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Baptizing the Nation with Tears: Political Forgiveness in South Africa

Russell Daye

A Thesis

in

The Department

of

Religion

Presented in Partial Fulfillment of the Requirements
for the Degree of Doctor of Philosophy at
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ABSTRACT

Baptizing the Nation with Tears: Political Forgiveness in South Africa

Russell Daye, Ph.D.
Concordia University, 2001

This dissertation explores the dynamics of post-apartheid reconciliation in South Africa and offers a model of political forgiveness as a process. Drawing upon a series of interviews conducted in South Africa in 2000, as well as scholarly and journalistic publications on such topics as forgiveness theory, political reconciliation, truth-telling, apology, amnesty, restorative and retributive justice, transitional democracy, post-traumatic disorders, and reparations for injustice, a Drama of Political Forgiveness in Five Acts is offered as a model for a national forgiveness process. Particular attention is given to the history of race relations in South Africa and to the successes and failures of the Truth and Reconciliation Commission. It is argued that the goal of society-wide forgiveness is an appropriate one for those involved in the work of post-conflict reconstruction. The pursuit of this goal is compatible with, indeed depends upon, the pursuit of other goals such as individual and collective healing and the building of a transitional justice framework.

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Dedication

This work is dedicated to the people and memory of District Six: to St. Marks and Central Methodist Mission for keeping the Word alive, to Stan and Marion Abrahams for keeping the dream alive, and to David and Val McAdam for transporting it across the ocean.

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List of Abbreviations

ANC	African National Congress
HRV	Human Rights Violations
IFP	Inkatha Freedom Party
IJR	Institute for Justice and Reconciliation
MK	Umkonto we Sizwe
NGK	Nederduitse Gereformeerde Kerk
PAC	Pan-Africanist Congress
PAGAD	People Against Gangsterism and Drugs
RRC	Reparation and Rehabilitation Committee
SACC	South African Council of Churches
TRC	Truth and Reconciliation Commission
UCC	United Church of Canada
UDF	United Democratic Front
VOC	Dutch East India Company

Chapter One

Introduction

When South Africa's Truth and Reconciliation Commission was launched in 1995, there were heady hopes that it would serve as a secular equivalent to the ancient Christian Rite of Reconciliation - the ritual in which repentant sinners were returned to the embrace of Christian Community and acknowledged as having received God's forgiveness. Instead, the commission functioned more like a national baptism. Repentance was given its place, as were words and gestures of reconciliation, but the extended ritual also announced to the world that a birth had taken place, and that a new being would go forth to take its chances with success and failure, salvation and damnation. This new being was the "Rainbow Nation," a dream as much as real entity.

The TRC was a baptism in tears. Some of its critics called it the "Kleenex Commission" because of its many dramatic moments, when mothers mourned publicly over disappeared sons and victims cried with rage at their tormentors, and because of Chairman Desmond Tutu's willingness to weep with those who wept. (Tutu was equally quick to laugh with the laughing, but these moments were more rare.) Tutu's leadership was extraordinary, and western observers accustomed to the careful separation of Church and state wondered at the freedom he was given to serve as a priest to the nation.

The pain of thirty-five years of bloodshed was poured out for all to see. It was hoped that this ablution would not only foster healing, but would also unlock voices to claim responsibility. The optimism of early days has not been fulfilled, but rituals sometimes

continue operating on the psyche for years or decades after. We are yet to know how many voices will be unlocked, or how many hands will reach across violence's chasms in search of those on the other side. What we do know is that the TRC was a bold experiment, a journey onto fresh political terrain. It was an attempt to advance the healing of one nation, but its successes and mistakes offer a growing body of wisdom as a gift to the world.

It is a gift of which we are in great need. By the end of the twentieth century, it had become cliché to say that it was the most violent century in history. It is tempting to take comfort in the knowledge that we are in a new century, but this would be false assurance, given that we are such a long way from breaking free of the factors that made the last one so bloody. While it has been more than fifty years since our last world war, and the cold war has come to at least a temporary end, we are faced with an array of potentially explosive conflicts, many of which are taking new and confusing shapes. The types of discord that burden our world include: religious, ethnic, and racial violence; civil wars in which opposing militias serve as fronts for competing multinational corporations; a daunting number of terrorist movements; and new "cold wars" between countries such as India and Pakistan - and this just to begin the list. Upon close examination, it becomes clear that many of these conflicts are not new, even if some of them are taking novel forms. The current strife in the Middle East, the land struggles in Central America, the communal violence in India, the massacres in Afghanistan, and the civil wars in Central Africa are examples of fresh twists and turns in old stories of opposing interests, unequal power relationships, and ghosts of violence past. Perhaps the most remarkable illustration of this point is the seemingly endless series of hostilities in the Balkans. To quote Donald

Shriver: "The world cringes at a Serb's willingness to kill a Muslim in revenge for ancestors who fought the Battle of Kosovo in the year 1389."¹

As technology provides larger numbers of people with the means to do great harm, and as tension-producing dynamics such as population growth, human mobility, and competition for resources become more and more a part of life, it is imperative that human beings, human communities, and human societies find effective methods for ending their stubborn conflicts and healing their wounds. In recent decades we have seen various attempts, in all corners of the globe, to develop these methods. Truth commissions have been employed in Latin America, Africa, Europe, and Asia, usually in the period of transition from a less to a more democratic government. Various amnesty processes have been tried. Apologies on behalf of governments, churches, and other institutions have become a common part of public discourse. Prime Ministers and Presidents have confessed the sins of the governments they lead, even sins committed long before they were elected.

When these healing processes and acts of contrition are examined closely, we find a theme that is common to most of them, but which usually lies under the surface. It informs the dialogue, but only occasionally in an explicit way. It comes to consciousness during testimony at an inquest, but slips into the background again when jurists and officials produce final reports. This theme is the need for *forgiveness*. At least as early as 1958, with the publication of Hanna Arendt's *The Human Condition*, scholars have been pointing to the potential value of forgiveness for repairing past damage to the fabric of society so that it will not unravel into future chaos.² Why then has social and political

forgiveness not been a larger part of public discourse?

There appears to be a cluster of reasons. The first is that there is no consensus on the meaning of the concept. What is forgiveness, exactly? A process? A transaction? A feeling? An internal state? A behavior such as a speech action or a performative utterance? Then there is the question of who has the power to forgive. Must it be the victims of the injustice, or can it be granted by a third party? Some would argue that it is granted not by any human being but by God. What are the necessary elements of forgiveness? Must there be confession? Repentance? Restitution? Must the 'forgiver' truly *feel* that all is mended, or are uttered words enough? Another reason is that forgiveness is often seen to be a theological concept, appropriate for communities of faith, but not appropriate for the larger community whose politics are secular. In the church's treatment, forgiveness came to be associated with correcting one's actions in the private sphere but not the public sphere - an attitude institutionalized in the sacrament of penance.

There is no doubt that forgiveness holds a powerful place in the human psyche. It almost seems archetypal; coming to consciousness wherever people are hurt and relationships rent. I am not sure if this phenomenon is universal, but it is extremely far-reaching. It is true that theorists are still struggling to define forgiveness, but in everyday conflicts people seem to function with an inherent sense of its contours. We have an intuitive understanding of what makes for legitimate forgiving; dissonance arises when we stray from this understanding. This common wisdom has its limits, however. As we pass from the terrain of interpersonal relationships to the realm of political relations, the dynamics

become more complex and institutional. On this ground, our intuitive understanding of forgiveness is much weaker. Yet, forgiveness discourse is becoming increasingly common in politics.

Is there a legitimate place in politics for the pursuit of forgiveness? Can there be forgiveness between nations or other large groups of people? Should leaders try to foster large-scale forgiveness in contexts of transition from war and oppression to something better? Would they be wiser to keep their eyes on other prizes, such as peaceful coexistence, healing, and the reconstitution of society? These questions are being asked and debated in an expanding number of contexts. In the midst of these discussions, there is a struggle to define *political* forgiveness, to clarify its parameters. The task of my dissertation is to contribute to this work of defining and clarifying by articulating a working model of political forgiveness. The model has been given shape by my theoretical inquiries, by explorations of literature on early reconciliation initiatives, and especially by my field research in South Africa. My hope is that it will provide *an* answer to the following question: "in light of what we have learned so far, how can we best portray political forgiveness?" There is no pretension that this model will be conclusive. The terrain of political forgiveness is in the early days of exploration: its cartographers will be revising and refining their maps for a long time.

Later in the Introduction, I will outline my model. At this point, let me offer a few words about reconciliation in South Africa. After coming to power in 1994, the ANC government launched the largest and most intricately designed process of post-conflict healing that the world has yet seen. At the center of this process was the Truth and

Reconciliation Commission, headed by Nobel Laureate Archbishop Desmond Tutu. In his first address to the Truth and Reconciliation Commission (TRC) Archbishop Tutu made the following remarks:

We are privileged to be on this Commission to assist our land, our people to come to terms with our dark past once and for all. They say that those who suffer from amnesia, those who forget the past, are doomed to repeat it. It is not dealing with the past to say facilely, let bygones be bygones, for then they won't be bygones. Our country, our society would be doomed to the instability of uncertainty – the uncertainty engendered by not knowing when yet another scandal of the past would hit the headlines, when another skeleton would be dragged out of the cupboard.

We will be engaging in what should be a corporate nationwide process of healing through contrition, confession and forgiveness. To be able to forgive one needs to know whom one is forgiving and why. That is why the truth is so central to this whole exercise.³

The hope for forgiveness is stated up front - not simply a transactional forgiveness between individual perpetrators and their individual victims, but a “nationwide process.” Tutu is speaking of a directed, concerted attempt to come to terms with massive social disruption in the past so that there may be greater harmony in the future.

We are meant to be a part of the process of the healing of our nation, of our people, all of us, since every South African has to some extent or other been traumatized. We are a wounded people because of the conflict of the past, no matter on which side we stood. We all stand in need of healing.⁴

During a TRC amnesty hearing that I witnessed in 1997, the theme of forgiveness came up repeatedly. The following words are from a white woman whose daughter, then in her early twenties, was killed in what has come to be called the Heidelberg Tavern Massacre. She is speaking to three young black men who carried out the shooting under orders from their superiors in the Azanian Peoples' Liberation Army, a militant anti-apartheid organization.

And as I will say to the applicants, as I heard all the time, they acted under orders which I understand. I too, act under orders as I sit here now, just speaking directly to you because I firmly would like to believe that we all do believe there is a God above our heads. If I can be allowed to say this, and because I believe that God is God and I act under His orders and for me, His orders are to say to you and to all here, yes, I have forgiven you. I will not oppose your amnesty because who am I, I am not your judge.⁵

During the course of the hearing another white woman, Mrs. Ginn Fourie, who also lost a daughter in the massacre, was given a chance to speak to the applicants and to hear from them. This was not the first such opportunity. She was given a similar opportunity at their criminal trial two or three years earlier. What is interesting is that the nature of their dialogue changed from the trial to the amnesty hearing. At the trial, one of the three young men (Mr. Ggomfa) refused to speak to Mrs. Fourie. At the hearing he and the other applicants addressed her by saying “good morning mama”, and he apologized and showed concern for her suffering. Those of us present witnessed a re-humanization of Mrs. Fourie and white people in general in the eyes of Mr. Ggomfa, and an opening of dialogue not only between these individuals, but between whole sub-sections of a society.

There were literally hundreds of these kinds of encounters during the life of the TRC. The commission was a bold new venture in political healing, one with forgiveness as one of its central goals. My observations of the TRC hearings in the fall of 1997 raised many issues relevant to the problematic of defining political forgiveness, outlining its parameters, and understanding the factors that foster and impede it. I found myself asking questions such as: when all these participants in the hearings - lawyers, clergy, Christians, Muslims, whites, blacks, poor people, rich people - speak of forgiveness, do they mean the same thing? What is the connection between amnesty and forgiveness? Can we expect that professions of forgiveness will be followed by changes in behavior or renewed dialogue? Which institutions within South African society are changing as a result of the TRC, and how? Now that formerly segregated groups have to deal with each other on a daily basis, is the national dialogue fostered by the TRC enabling more

effective communication between them? Does this dialogue move only within societal sub-groups, or also between them? Are hostilities calming? Is vengeance being tamed? If so, can these developments be connected to the TRC in a convincing way?

During the first half of 2000, I was able to return to South Africa to seek answers to these questions. A research partner and I conducted interviews with a demographically wide range of South Africans. Most of the interviews were held in the Western Cape province (which includes Cape Town), but a number took place in other parts of the country. Most of the interviewees had not directly participated in the TRC (although a significant number had), but all were aware of it and were being forced to develop their own response to its revelations. As in 1997, I was able to witness Amnesty and to talk with a number of participants in those hearings. But it was not only at hearings or during interviews that I heard about the TRC and the larger process of coming to terms with South Africa's past. Discussion of these topics was ubiquitous. It was taking place every hour in restaurants and taverns, at dinner tables, at the office, on the radio and television, in the newspapers. To be in South Africa was to be steeped in a national conversation about the conflict and violence of the past and what could be done to "put it behind us". South Africa has "pushed the envelope" further than any other country in terms of political forgiveness. In the chapters that follow, we will be continually looking to see what can be learned from its endeavor.

In the next chapter, we will explore the theoretical issues and challenges relevant to the articulation of a model of political forgiveness. For now, I would like to focus on one thesis, which is central to my model. It is my contention that forgiveness has a *core*

grammar. Let me refer first to *interpersonal* forgiveness. By saying that forgiveness has a core grammar I mean that, even though the passage to forgiveness follows a wide variety of routes in real life situations, there is a normative, underlying structure to processes of interpersonal forgiveness. Clusters of individuals who mutually seek the achievement of forgiveness are more likely to be successful if their actions adhere to this syntax.⁶ A way to explicate this grammar is to describe a process of forgiveness as a *drama* that moves through a number of *acts*. I believe that there are three acts that must be played out, even while recognizing that these acts may be "scripted" in an almost infinite variety of ways.

The first act in a drama of forgiveness is the naming and articulation of the harm done. Somebody must point out that one party's unjust action (or inaction) has damaged another party or caused that second party to suffer. Usually it is the victimized party that makes this statement and begins the narrative of wrongs done. Sometimes an outside party names the unjust action – perhaps because the victimized party has been so oppressed that it has failed to see the injustice or because it has not been free to name it itself. On rare occasions, the guilty party first names the offense, but its narrative usually begins in step two.

The second essential act is an apology or confession in which the guilty party admits to the wrong done and acknowledges its moral indebtedness to the party it has harmed. Very often at this stage the guilty party offers excuses or explanations along with the admission of guilt, but in the cleanest and best examples of a drama of forgiveness these qualifiers are abandoned and the party in the wrong stands 'naked' before the narrative of its unjust action and asks for forgiveness.

The third act is the offering of forgiveness by the victimized party. Just as many offenders refuse to apologize, many victims refuse to forgive. They may offer a pardon that is qualified by calls for further repentance or some kind of restitution, but, in its ideal form, forgiveness is offered fully with no strings attached. Actually, it is surprising how often people are willing to forgive – even before apologies are offered. This may be because of a desire to break the bonds of suffering and start life anew. Many victims forgive not because their tormentors deserve it, but because they need to do it for the sake of their own inner freedom. Sometimes acts two and three are reversed, and it is an offer of forgiveness by a victim that sparks a heartfelt apology from a perpetrator.

It is important to point out that act three has both an *intra*-personal and an *inter*-personal dimension. The former involves the surrender of resentment and other antipathies by the wounded party. The latter involves a voicing of pardon. Of course, it is impossible for anyone other than the one offering forgiveness to know just how fully she has abandoned resentment. It is also possible, indeed likely in many instances, that resentment will return at a later time. Forgiveness is a process that often takes a long time. Sometimes it advances by two steps and then retreats by one.

This is one reason why I say that real life processes of forgiveness usually do not adhere to the "normative" grammar as I outline it. My characterization of forgiveness as possessing a triadic form is necessarily simplistic. It serves as an ideal in an almost platonic way. Rarely do dramas of forgiveness fully conform, even in interpersonal relations. Sometimes the process begins in step three; it is after a gesture of forgiveness by the wounded party that the offender offers an apology and the harm is named. Other

times the apology comes first. The sequence of acts is not the most important factor. What is more important, is that all three be present and that their true nature be attended to.

When we move from the interpersonal to the sociopolitical realm, forgiveness becomes more complicated. In fact, there are some daunting theoretical challenges to such a shift. These will be discussed in the next chapter. In my opinion, the grammar of political forgiveness includes the same core elements as that of interpersonal forgiveness, but more elements need to be added as well. Staying with the metaphor of a drama of forgiveness, we can say that these additions constitute more "acts." Based on my investigations in South Africa, I have decided to add an act concerned with transitional justice and another concerned with healing.¹ We are left with a "Drama of Political Forgiveness in Five Acts." This drama is my model of political forgiveness. I have given the acts the following names:

- ✓ Act One: Truth-telling
- ✓ Act two: Apology and the Claiming of Responsibility
- ✓ Act Three: Building a Transitional Justice Framework
- ✓ Act Four: Finding Ways to Heal
- ✓ Act five: Embracing Forgiveness

It is important not to think of this drama as unfolding in a linear sequence of five steps. To witness it would be like going to a theater with five acts set before the audience. At

¹ I will not explain here why I chose these two additions. The relevant chapters, as well as the theoretical discussion in the next chapter, should make those reasons clear.

times the curtain would be up on only one or two of the five stages. At other times, all the curtains would be up simultaneously. Sometimes characters would move from one stage to another; events would spill over from each act to the others, influencing what happens there. Every nation or society that pursues political forgiveness will move through the five-part drama (or some truncated version) in a unique fashion, finding its own sequence and pacing, defining the relationship between the five acts in its own particular way. The chapters of this dissertation will be delineated according to these five acts; each will be considered at some length. But first, let us make a quicker passage through them with a view to the elements of interpersonal forgiveness that must be maintained as we shift our sights to the political realm, and to the new elements that must be added for such a shift to be feasible.

The first act in a drama of forgiveness is the articulation of the harm done. Thus there will be a *truth-telling*. Any attempt to rush to the granting of forgiveness without a careful exposition of the unjust actions through documentation or through the generation of a broad narrative will bastardize the process. Truth-telling can be carried out in different ways, but *the victims must have voice*. An exposition of past actions and a public acknowledgment of its veracity by government leaders or other important persons can in itself be very healing for victims, especially if it rings true to their experiences.

An important issue is the selection of the community leaders or representatives who will guide any formal process of truth-telling. It is essential that they be people trusted by all segments of society, that they represent the experiences of diverse communities, and that their approach to truth-telling be balanced. After all, in a situation of mass rending there

is never one fully innocent party or one fully guilty party. There are reprisals from the original victims. Collaborators blur the lines between oppressors and oppressed. Representatives are needed who can sort through ambiguities without being blinded by either a desire to expose one party as evil or an imperative to paint everyone as equally guilty so that an "easy" reconciliation can be achieved. The selection of Archbishop Tutu to head the TRC with Alex Boraine as his co-chairman is a prime example. The TRC's credibility among all sectors of South African society was given an immediate boost. Significantly, many whites who had supported apartheid began to believe that the formal truth-telling concerning South Africa's past would not be a one-sided witch hunt.

Gaining the trust of perpetrators is very important if they are going to assist the documentation and narration of past wrongs, *apologize*, and *claim responsibility* for their actions. This is the second, and in many ways most precarious, of the acts in a drama of political forgiveness.

It is not realistic to hope that in a society which has suffered large-scale injustice all the perpetrators and their supporters and collaborators will step forward, confess their part in the damage done, and admit that they stand in need of forgiveness. This precludes the fulfillment of a nation-wide process of forgiveness in a complete and clean way such as we sometimes witness at the interpersonal level. It may be hoped that some of the leaders who were most responsible for oppression would do this. but they are often the most reluctant. General Pinochet is a prime example. Even when leaders do offer apologies, they often qualify them with explanations or by referring to a prior injustice suffered by *their* constituency, which motivated them to act in extreme ways. F. W. de Klerk's

apology to the TRC is a case in point. He apologized for apartheid and the pain it caused, but he refused to admit that it was a flawed and oppressive policy from the start, instead arguing that it was founded upon idealism. He also refused to admit that he authorized the violence of security forces during his time as Prime Minister.

Does this mean that political forgiveness can only take place and foster healing in exceptional situations and stalls at act two the rest of the time? I do not think so. In contexts of rending as vast and complex as Chile and South Africa, confessions and apologies by *some* of the perpetrators, even if some of these are qualified, make a difference. They validate the perspectives and memories of victims. For those who have suffered torture, dislocation, appropriation of property, or loss of loved ones, this kind of validation is extremely important. It shows that the world is a place where truth is acknowledged, and it helps them move out of a state of perpetual fear and insecurity. It helps them break free of the ghosts and demons of the past and start building a new life. It also helps them move toward a time when they can stop hating and fearing their oppressors. They can begin to break the unholy bonds that have tied them to those who maltreated them.

One of the most frequently heard criticisms of political forgiveness is that it is incompatible with, and therefore impedes, justice. I disagree with this assertion. In fact, I have made the building of a transitional justice framework the third act in my drama of political forgiveness. The pursuit of transitional justice involves the implementation of processes of both *retribution* and *restoration*. The Nuremberg tribunal administered a process of retribution in the wake of the Second World War. The Marshall Plan

implemented a process of restoration. The latter was probably not seen as an instrument of *restorative justice* at the time, but more recent programs of restitution or reparation, like those for victims of Pinochet's terror in Chile or for interred Japanese Americans, were understood to be such instruments.

It is a simple matter to see how ventures in restorative justice are compatible with political forgiveness - it is easier to forgive when our violation has been acknowledged and we have been compensated - but it is more difficult to see the connection between retributive justice and forgiveness. After theoretical reflections on the nature of forgiveness and the value of retribution, I will argue that there is a connection - one that relates to the emotion of resentment. The challenges for any society trying to recover from a period of civil war or acute oppression are to find the right balance between restorative and retributive measures, and to ensure that these measures are appropriate to the context. Meeting these challenges is very difficult in the best of situations. In most post-conflict contexts, it is further complicated by a poverty of public resources.

When a nation has been rent by prolonged violence or tyranny, a number of kinds of healing are needed. Combined, they constitute act four of my drama. Where there have been gross human rights violations, there will be individuals suffering from traumatic stress disorders. They will have particular therapeutic needs that center on the issues of empowerment and security. It may be the case that whole communities, even societies come to suffer from the dynamics of traumatic injury. Here, the issue of therapy for collectives comes to the fore. An important question is whether forgiveness interventions are more likely to advance or hinder the healing of individuals and communities.

Another kind of mending is also imperative. Here I refer to the repair of socioeconomic systems. Large-scale injustice usually arises from economic motivations, among others, and always has economic repercussions. In transitional societies, there will be families who have lost their life savings, their livelihood, and even their breadwinners. What compensation do they merit? How can they be reintegrated into the economy? Also, many of the public and private institutions will need repair, as well as reformation where they contributed to the strife.

This brings us to the fifth act in my drama: the embracing of forgiveness. There is a reason why this is the final act: nation-wide forgiveness has a more distant horizon than truth-telling, responsibility-claiming, justice, or healing. It involves the reformation of whole communities at a level so deep that collective identities are transformed. This kind of communal "soul work" requires revision of the very myths and narratives that tell a people who they are, and who their friends and enemies are. In a context of such deep reform, all the symbol systems - cultural, theological, mythological, artistic, etc. - that influence identity construction will come into play. For movement toward political forgiveness to occur, charismatic actors and creative thinkers will have to bend these symbol systems away from enmity and toward affinity.

I see forgiveness in two ways. One, as a social good, akin to justice or healing or the claiming of responsibility, that can be pursued with tangible policies - even if it will take longer to achieve than these other goods. Second, as something more mysterious that materializes in crucibles that mix human pain, need, imagination and good will.

Throughout this dissertation, we will move back and forth between these two perspectives.

The chapters of the dissertation will be given structure by my drama. After a review of theoretical considerations in Chapter Two, we will undertake a brief survey of South African history in Chapter Three. Chapter Four will explore Act One: Truth-telling. Chapter Five will be concerned with Act Two: Apology and the Claiming of Responsibility. Chapters Six and Seven will be companion chapters, both relating to Act Three: Building a Transitional Justice Framework. Chapter Six will focus on the controversial issue of amnesty, and Chapter Seven on the imperatives of retributive and restorative justice. Chapter Eight will examine issues related to Act Four: Finding Ways to Heal. Chapter Nine will be concerned with Act Five: Embracing Forgiveness. The final chapter will be a brief conclusion in which we take a final look at the Truth and Reconciliation Commission, and we review my model.

Chapter Two

Theoretical Issues

Human beings seem to be programmed to raise the issue of forgiveness in situations where one person is harmed by another. People all around the world, people shaped and informed by radically different cultures, employ the concept of forgiveness in response to wrongdoing. Can we assume that all these actors are operating with a singular, universal definition of forgiveness? No, we are not in a position to make this assumption. In recent years we have seen an increased interest in studying and defining forgiveness on the part of psychologists and philosophers. This burgeoning body of work has made it clear that we are a long way from consensus.

Part of the problem is that different thinkers focus on different aspects of forgiveness. Some concentrate on its emotional aspect, and understand forgiveness to be a feeling or an emotion. Others concentrate on the fact that forgiveness happens *between* people, and describe it as a transaction. Still others employ a philosophy of action, and define forgiveness as a speech act or a performative utterance. Some thinkers are very aware that forgiveness does not happen all at one, and recognize that a series of actions are necessary before it can take place; they tend to understand it as a process. I will not side with any one of these camps to the exclusion of the others. Forgiveness is multidimensional. Losing sight of any of its dimensions would do disservice - especially to a study such as this one, which has society-wide forgiveness as its focus. At this level of analysis, ambiguity and complexity must be embraced.

This said, there is one thing about which we can be unambiguous: the human need for forgiveness can be very powerful indeed. Anyone who has had a highly valued relationship broken by hurtful action, and who has longed for the "good old days" before the rupture, understands the appeal of forgiveness. Anyone who has, in hindsight, been struck by the devastating realization that his actions were truly hurtful to innocent parties knows what a gift forgiveness can be. Anyone who has been able to cast off a long-carried burden of anger and antipathy and has felt the subsequent relief realizes how liberating forgiveness can be. When we are actors in a situation in which the issue of forgiveness is raised, our most important beliefs are evoked. We have to find ways to give voice to our values and our morals because it has become necessary to define who stands in the right and who stand in the wrong. If we are the ones who need to forgive or be forgiven, then the very construction of our identities comes into play. The painful moment in which the need for forgiveness is articulated is an opportunity, certainly for healing, but also for the evaluation and even the reconstruction of relationships, beliefs, and identities. It is a moment full of risk. At such a time, clarity about the nature and dynamics of forgiveness will be of great value.

Religious teachers, philosophers, and psychologist have all understood this, and have tried to provide clarity, each in their own way. In this chapter, we will explore the treatment of forgiveness in the hands of religion, philosophy, and social science. Given the breadth of the disciplines we will touch on, the exploration will be far from exhaustive. First, we will take a brief look at the place of forgiveness in religion, especially in Christianity, which has had a particularly strong influence on conceptions of forgiveness in both the West and South Africa. Then we will try to come to terms with

interpersonal forgiveness, its nature and definition. The work of some contemporary philosophers and psychologists will serve as our principal sources. Finally we will examine *political forgiveness* and see how it is similar to and different from interpersonal forgiveness. This dialogue between interpersonal and political forgiveness will be maintained throughout the dissertation. It is important to do this because our grasp on interpersonal forgiveness is so much more secure, and because political forgiveness rests upon personal forgiveness.

Forgiveness in the Religions

A survey of the world's five major religions shows that they all teach forgiveness or *something akin to forgiveness* as a normative response to wrongdoing. By "something akin to forgiveness" I mean a response that involves the surrender of resentment, the forswearing of revenge, and the restoration of relationship.ⁱⁱ

The normative responses to wrongdoing taught by the karmic religions appear to least resemble our western concept of forgiveness. Charles Hallisey describes forgiveness as comprising two factors: "the removal of an expectation of retribution, and second, the renouncing of anger or resentment toward someone who has offended you."⁷ He asserts that both factors represent changes of attitude that are highly valued in Buddhist cultures, but they are kept distinct as individual virtues.ⁱⁱⁱ The virtue that corresponds to the

ⁱⁱ When I say that expectations of revenge must be surrendered, this does not mean that expectations of *punishment* must be surrendered. This is a subtle and complex distinction. The difference is that revenge is based on a "tit for tat" kind of balancing of the scales while legitimate punishment must be rooted in a larger moral order. Given that there is a retributive element in such punishment, it might be more accurate to say that expectations of "personal revenge" must be surrendered. These issues will be discussed in greater detail in Chapter Seven.

ⁱⁱⁱ Hallisey is careful to point out that Buddhism is a global religion whose linguistic diversity represents a conceptual diversity. As such it is always problematic to make general statements about the meaning of

removal of the expectation of retribution is *forbearance*. The virtue that corresponds to the abandonment of resentment is *compassion*. Hallisey turns to Sinhalese to make his point:

In the *English-Sinhalese Dictionary* by G. P. Malalasekera, to take the Sinhala language used by Buddhists in Sri Lanka as just one example, the translations for "forgive" and "forgiveness" are *sama venava* and *anukampa dakvenava* for the former, and *ksamava* and *dayava* for the latter. More literal translations of each of these terms reveal that together they may approximate the notion of forgiveness, but individually, they do not. *Sama venava* and its cognate, *ksamava*, can both be translated as forbearance, a concept that is more inclusive than forgiveness. The Buddhist notion of forbearance embraces both enduring an action done against one and the renouncing of anger or resentment toward someone who has offended you; usually, forgiveness is understood to include only the overcoming of resentment. *Anukampa* and *dayava* can be translated as compassion or pity, virtues that move one not to react against someone who deserves punishment because of their own actions.⁸

Interestingly, Hallisey's treatment of compassion resonates with the psychological models of forgiveness we will examine in the next section of this chapter. He says that compassion and pity ideally involve *empathy* for the wrongdoer. The wounded party, embodying the virtue of compassion, empathizes with the suffering of the one who harmed her and no longer sees that person as an offender. Indeed, in full expressions of the virtue, steps are taken to alleviate the suffering of the offender even though such alleviation is not deserved.⁹ Contemporary psychologists designing interventions to advance forgiveness are placing great emphasis on empathy as a vehicle that can carry a wounded person to a place of forgiveness.

The virtues of compassion and forbearance are grounded in the Buddha's First Noble Truth: all life is *dukkha* (suffering). Compassion serves to ease *dukkha* in others and forbearance prevents the generation of *dukkha* in oneself and others. Resentment is

concepts for Buddhists. (The same qualifier applies to the other religions we consider, especially Hinduism.) This is particularly true for the concept of forgiveness: "There is no unified foundation against which a single 'Buddhist' concept of forgiveness might be sought." pp. 21-2.

understood to never be satisfied and is therefore always a cause of continued suffering.

This suffering can extend beyond the present lifetime because unresolved resentment can have karmic effects on future rebirths.¹⁰

Hinduism is similar to Buddhism in terms of its understanding of the ills and karmic effects of resentment, but there are some clear differences when it comes to the place of forgiveness. Within Hinduism there is a concept of forgiveness as such. It is usually given the word "*ksama*" or "*ksamata*". *Ksama* is usually used in conjunction with mercy (*kripa*, *prasada*, *daya*) or compassion (*karuna*), and is thought to be a virtue of the same order as these others. Another difference is that in Hinduism, which is a theistic religion, forgiveness is understood as first a divine virtue and gift. Human forgiveness is to be understood with reference to that modeled by the gods. Different Hindu traditions turn to different texts and myths as their sources for this modeling. There is certainly no single, theologically systematic formulation of forgiveness.

The number of different traditions and viewpoints found within Hinduism make it difficult to define "the theological basis" for forgiveness. However, there are some commonalities across Hindu traditions. To begin, concepts such as forgiveness, duty, righteousness, forbearance, compassion, and patience are discussed in the epics and the dharma sastras (treatises on righteousness). For those who wish to follow the path of dharma (righteousness), it is essential to practice all of these.... Finally, there are numerous examples of divine forgiveness in Hindu sacred texts. In the Sri Vaishnava tradition (a fairly large "denomination"), Lord Vishnu has all the qualities of grace, mercy, and so on, but it is his wife, the Goddess Lakshmi/Sri, who is said to epitomize the quality of forgiveness and grace. Iconographically, she is depicted on the heart (chest) of Vishnu. It should be noted that there are nontheistic Hindu traditions that, by definition, do not focus on the issue of divine forgiveness.¹¹

Not all gods have the same attitude toward forgiveness. Some, Lakshmi for example, forgive in the absence of repentance and supplication. Vishnu forgives only when there is repentance. In human relations the willingness to forgive without repentance may be seen as a virtue but it is not a general imperative. The epics describe events in which there is

no expectation that the wounded party should forgive because the wrongdoers have not confessed the injustice of their actions. In the Mahabharata, Queen Draupadi is dishonoured by princes, who then continue to exult in their actions. There is no expectation that she should forgive them, and she does not.

Sacred Hindu texts also describe the kinds of actions that are normative for sinners who court divine forgiveness. The Rig-Veda describes prayers for forgiveness directed toward Lord Varuna. The Manu-Samhita outlines expiations that lead to forgiveness from both gods and community. These include acts of charity, purification, fasting, and abstinence, as well as certain rituals and recitations.¹²

The issues and debates we see in Hindu sources had close parallels in my interviews with South Africans. Many interviewees felt an imperative to emulate God's disposition toward forgiveness. A number struggled with the question of whether they could or should forgive before the persons who harmed them repented. Many felt that they were more likely to be forgiven their sins if they could forgive the ones who had sinned against them. In some ways, little has changed since ancient times when the Hindu texts were recorded. There is continuity in the moral, even existential, challenges that face people in contexts of rending. This is a fascinating observation, given the historical and cultural differences between ancient India and contemporary South Africa.

Like Hinduism, the three Abrahamic religions teach that human beings are to both seek and emulate divine forgiveness. There is a relationship between the willingness of people to forgive others and God's eagerness to forgive them. This relationship is explicit in Islam:

In the name of Allah, Most Compassionate, Most Merciful.

Above is the most often repeated verse in the Quran. Muslims begin and end their day, take every action, and think every thought by first declaring the above with their tongues and with their hearts. It is a constant reminder that God is Compassionate, God is Merciful, and loves those who show mercy and compassion. The prophet of Islam Prophet Muhammad, stated to his companions: "Do you wish that Allah should forgive you and have mercy on you?" The companions answered, "Of course, O Prophet of Allah." He replied, "Then forgive your fellow human beings with compassion and mercy."¹³

The concept of forgiveness in the Qur'an is designated by three terms. *Afv*, used thirty-five times, refers to an act of pardoning, the waiver of a punishment, or an amnesty.

Safhu, used eight times, means "to turn away from" a sin or a misdeed. *Ghafara*, used 234 times, means "to cover" or to remit. The ultimate source of forgiveness is Allah, who has the power to "close an account of offense" against God or God's creation. Allah, who is all-knowing to the point of reading the interior dispositions of human beings, requires sincerity from those who pray for forgiveness.¹⁴

Forgiveness is important to Muslims for two reasons. First, it is very important for the afterlife. One forgives in order to be forgiven, and seeks forgiveness in humility. Second, seeking and offering forgiveness makes for happiness and harmonious relations in this life. The person who is quick to abandon resentment and his right to retribution is rewarded with respect and a good reputation. In Islamic law, the victim of a wrong is entitled to retribution equal to the harm he suffered. But Islamic teachings, wise to the danger of cycles of vengeance, honour those who forswear this right and assert that these compassionate souls will receive their reward from Allah. The Shar'ia, the Law of Islam, gives the victims of crime some power to commute the sentences of the people who harmed them. Such a pardon may depend on the payment of blood money. It is interesting to note that western jurists interested in alternative sentencing procedures are

trying to find similar ways to empower victims, as are architects of political reconciliation processes. Like some practices of indigenous peoples, the Shar'ia holds potential as a resource for experts in criminal and international law who are trying to expand the domain of restorative justice.

In an excellent essay entitled "The Elements of Forgiveness: A Jewish Approach", Elliot Dorff outlines the place of forgiveness in Judaism.¹⁵ Dorff places forgiveness at the midpoint of a continuum that begins with pardon and ends with reconciliation. Pardon refers to the suspension of otherwise appropriate punishment for an offense because of mitigating circumstances. The violation stands, but the violator is not sanctioned. Forgiveness goes one step further: the violation is itself removed. It is not necessary for those harmed by the violation to forget its occurrence, indeed they may take steps to prevent its repetition, but they accept the offender into their good graces again and treat her as they did before the violation. Reconciliation goes even further. Whereas forgiveness has brought the parties "to neutral ground" again, reconciliation returns the offender to the web of family, friendship, and community. Positive efforts are required by all parties for this to occur.

The Jewish understanding of forgiveness is both heavily influenced by and an element of the normative process to be followed by Jews who have fallen out of good standing with their community: the process of "Return".

How does one make amends? The process is well described in the Jewish concept of *teshuvah*, meaning "return." *Teshuvah* is not just "repentance" (from the Latin root meaning "to pay back"). It is full-blown return to the right path and to good standing with the community and, indeed with God. Hence, the prayer [of thanksgiving for Return] blesses God not only for accepting us back in His good graces when we endure a punishment, but says that God "desires return" - that is, a return to the relationship we had with God before sinning. Jewish sources then prescribe that the same process for

returning to God be used when we need to repair our relationship with another human being.¹⁶

Dorff turns to Maimonides, the great twelfth century rabbi and philosopher, for an outline of the elements of the process of Return. His interpretation of Maimonides' formulation of *teshvah* leaves him with a list of eight elements:

1. Acknowledgment that one has committed an offense.
2. Public confession of the wrongdoing before both God and community.
3. Public expression of remorse.
4. A publicly stated commitment not to sin in this way again.
5. Restitution to the victim and acts of charity to others.
6. Heartfelt requests of forgiveness from the victim.
7. Avoidance of the conditions that caused the offense.
8. Acting differently when these conditions cannot be avoided.

The process of *teshvah* makes demands on the victim as well as the offender. Once the wrongdoer has met all the conditions of return, including a maximum of three requests to the victim for forgiveness, it is incumbent upon the victim to accede to the request.

Ideally, the wounded party will offer forgiveness that is marked by the surrender of resentment and a real change of heart toward the offender, but Jewish tradition accommodates the reality that this will sometimes be impossible. In these cases, an interior change of heart is not demanded of the wounded party; an external change of disposition toward the wrongdoer is acceptable. In Judaism, the interpersonal dimension of forgiveness is given greater weight than the intrapersonal dimension: "the essence of forgiveness, for the Jewish tradition, is not acquiring a new feeling about each other, but

rather acting on the demands that the duty of forgiveness imposes on us so that we can live together as a community worthy of God's presence."¹⁷

I would argue that an alteration of relationship that does not include the surrender of resentment and related antipathies is not forgiveness but some other kind of rapprochement. But this other type of rapprochement, described by Dorff as the end of *teshwah*, has its place in a process of *political* forgiveness. In the early days (decades) of political reconciliation not all enemies will surrender their displeasure toward each other, of course. The outward change of disposition described by Dorff will be all that can be expected of many - and no mean feat at that. We might think of it as a weak form or reconciliation, or as peaceful coexistence. Some commentators argue that in a context like post-apartheid South Africa, this is the best that we can hope for, and that the pursuit of a deeper reconciliation is folly.

It is interesting that the process of *teshwah* contains many of the elements of political forgiveness that I include in my model, namely truth-telling (acknowledgment), apology/confession and the claiming of responsibility, and reparations. It also involves the kind of soul searching and reworking of one's relationship to the other that I include in the fifth act of my model. The promise to "sin no more" that constitutes elements seven and eight of *teshwah* (in Dorff's delineation) relates closely to the judicial concerns of act three. The resemblance between the requirements of *teshwah* and those of political forgiveness is noteworthy. This similitude may be partially accounted for by the fact that both focus more on the social dynamics of reconciliation than the intrapersonal or

affective ones. I would maintain, however, that for a process of political forgiveness to reach *fruition*, there must be a broad-based surrender of antipathy.

For Christians, there is a climactic moment in human history, indeed in the history of the universe, that gives meaning to all that came before and all that will follow. I am, of course, referring to the Passion of Jesus Christ. The theologies of the cross to which most Christians ascribe assert that Jesus died "for the forgiveness of our sins." Forgiveness is a central motif in Christian belief and practice. Martin Marty puts it this way:

One hesitates to condense into digests and single concepts the almost infinitely complex religious traditions, especially someone else's. Yet if some say Buddhism = suffering, Islam = submission, Judaism = *Shema Israel*, then a good candidate in the present case ... might well be Christianity = forgiveness. One is called to the Christian community or church to experience forgiveness from God and a consequent awareness and reality of a "new creation" or "the new being." The consequence of this experience is that the divine version somehow inspires forgiveness among humans.¹⁸

In his essay "The Ethos of Christian Forgiveness," Marty uses the word "ethos" in the ancient sense in which it correlates with the word "character." He maintains that four "testimonies" give shape to forgiveness in Christian belief and witness: those of God the Father/Mother, Jesus Christ, and the Holy Spirit (the three persons of the Trinity), as well that of the human creature.

This is a good way to approach the Christian theological understanding of forgiveness, especially its representation in the New Testament, where it is deeply communal. It is in the context of communion and community, their rupture and their reparation, that forgiveness is raised to a place of great importance. Christianity's God is a triune God, a community of three persons. This divine fellowship extends beyond itself into communion with human beings, who draw themselves into worshipping communities.

For the first generations of Christians, ruptures within this community were common and painful - as witnessed to by the epistles of Paul. For the early church there was a close association between rupture and sin. Sins such as apostasy or sexual immorality caused the sinner to experience simultaneous ruptures with God and the community. As such, the forgiveness of sins was not an isolated affair between the individual and her God; it was enacted within her web of primary relationships. The early church's theology of redemption, with its horizontal and vertical axes, thus serves as a corrective for so much of the theology in more recent centuries, which has lost the horizontal dimension. It also holds promise as a source of wisdom for those who would articulate a theory of political forgiveness.

While it is true that each of the three persons of the Trinity contribute to the shaping of the Christian "ethos of forgiveness," it is the biblical Jesus' teaching about and modeling of forgiveness that are most formative for the Christian understanding of the concept. His teaching - especially his parables, most famously the "Parable of the Prodigal Son"^{IV} - repeatedly underscore the liberative value of forgiveness and the psychic imprisonment of those who refuse it. The writer of the Gospel of Luke has Jesus offer the following plea for the very people who were to crucifying him: "Father forgive them; for they do not know what they are doing."¹⁹ This is only the most celebrated of many examples of Jesus' eagerness to forgive the sins of others, even his enemies. Apparently, there were limits to this generosity of spirit, or at least to Jesus' freedom to grant forgiveness. He issues warnings concerning the fate of those who refuse help to the needy (Matthew

^{IV} Some, including me, prefer the title: "Parable of the Loving Father."

25:41-46), those who betray the Son of Man (Mark 14:21), those who do not reform their sinful ways (Matthew 5:29 and 18:9).

For Jesus, forgiveness was both a way to the restoration of relationship (with God and with one's fellows) and a way to build new community. Donald Shriver outlines five settings in which Jesus' teachings and action related to forgiveness were given expression: healing, prayer, eating, public enemies, and discipline inside the new community.^v There are numerous instances in which Jesus' healing is linked to the forgiveness of sins. Perhaps the best example is found in Mark 2:1-12. Jesus is teaching in a crowded room. Four men climb onto the building and open the roof so that they can lower a paralyzed man before Jesus to be healed. Seeing their faith, Jesus tells the paralyzed man that his sins are forgiven. When scribes who were present challenge Jesus' authority to forgive sins, he responds by saying: "Which is easier to say to the paralytic, 'Your sins are forgiven,' or to say 'Stand up and take your mat and walk?'" There is an explicit linkage between relieving the burden of sin and physical healing.

Jesus' teaching on prayer advocates a quickness to forgive and to seek forgiveness. This is clear in his instruction on how to pray, and is highlighted in the most repeated of Christian prayers, the "Lord's Prayer", in which Christians ask God to "forgive us our debts, as we also have forgiven our debtors."^{vi}

^v Shriver. *Ethic.* pp. 38-45. The Jesus described here is the Jesus portrayed by New Testament writers. Shriver chose to avoid the issue of which actions and words truly belonged to the historical Jesus and which ones were the creations of gospel writers or their sources. I make the same choice.

^{vi} Matthew 6:12. New Revised Standard Version. This passage also underscores the connection in Christian teaching, as in Islamic teaching, between the willingness of a person to forgive others and God's willingness to forgive her. Matthew 6:15 is explicit on this point, as is Matthew 18:35 and Luke 6:37.

In many cultures, including the one in which Jesus lived, table fellowship can mark social inclusion or solidarity. Jesus, by breaking bread with "tax collectors and sinners," exhibited a radically inclusive fellowship. These acts offered a symbolic forgiveness that was at the same time a gamble on the individuals in question. Perhaps they would see the grace in his gesture and be moved to change their ways and join the community that Jesus was trying to build - a community liberated from the life destroying strictures and activities of those who abused political and religious authority. Significantly, Jesus was willing to sit at table even with those who served these oppressors.^{vii} This was forgiveness extended to one's enemies. As already mentioned, Luke has Jesus dramatically exhibit such forgiveness as he was about to die on the cross.

Once admitted to the community, the tax collectors and sinners were expected to live in a new way. Every community has its boundaries, and this would certainly be true of one under the pressures that the followers of Jesus experienced. Discipline was needed. Under certain circumstances, this could lead to a member being banished from the community, but another part of this discipline was the injunction that Jesus' followers be extraordinarily forgiving of each other. Peter came to Jesus and asked him: "Lord, if another member of the church sins against me, how often should I forgive? As many as seven times?" Jesus replied: "Not seven times, but, I tell you, seventy-seven times."²⁰

The theology of forgiveness lived by the first generations of Jesus' followers was delineated along both vertical and horizontal axes. The horizontal axis was given expression in communal life rather than institutional authority. We certainly could not

^{vii} For an example see the dramatic repentance of the tax collector Zacchaeus in Luke 19:1-10.

say the same thing for the great majority of generations of Christians who lived between that time and our time. During certain periods, the horizontal axis was lost altogether. In other times and places, it extended only as wide as the confessional. It might have been hoped that the communal theology of forgiveness lived by early Christians would come to influence society at large and perhaps even grow to become a theology of political forgiveness as the Roman Empire became Christendom. The opposite happened. Early in *An Ethic for Enemies*, Shriver speculates that the missed opportunity had to do with what the Church was willing to abandon in order to become an accepted, and eventually official religion:

It is only one example of what the church may have given up, but the example is a crucial one for the rest of this book: did forgiveness get lost in the public ethics that the church was eventually to commend to secular society? Given the distinctive importance of forgiveness in the internal life of the early church, its theologians and others might have been expected to give some attention to its place in their ethical expectations for public life, once the church became respectable and established in that life. But in the history about to unfold, it was not to be.²¹

Another, perhaps related, factor was also at work. Already by the time of the writing of the canonical gospels, Christian forgiveness was beginning to be formalized in authority patterns.²² In the Gospel of Matthew, likely written in the late first century, the author has Jesus giving his disciples the power to forgive the sins of others, or to withhold that forgiveness.²³ As the mantle of the apostles was passed to Bishops, they were given formalized roles in the punishment and pardon of church members who sinned against their fellows. Hermas, the second century author of the *Shepherd*, writes of a once-in-a-lifetime rite that could be undergone by Christians who commit great sins after baptism. Since baptism was considered a first penance, this would be a second penance.²⁴ This penance was needed most often by apostates, and was overseen by Bishops. The practice evolved into a Rite of Reconciliation that could be observed more than once in a

member's lifetime. According to this observance, offending parties would be banished for a period of time and required to wear special garb and perform prescribed works. Once these requirements were met, a ceremony would be held in which the Bishop would lead the wayward individuals back into the worshipping community and the celebration of the Eucharist.²⁵

The Rite of Reconciliation was not what later came to be the Sacrament of Penance. It was only for the most serious transgressions, such as apostasy. During the first centuries of the church, there was no institutionalized procedure for repenting of lesser and more common sins. Christians sought absolution on a voluntary basis and were free to seek spiritual guidance from priests or other wise persons. As the centuries passed, however, the sinner-confessor relationship was progressively subject to precise institutionalization in the authority of the bishop first, then the priest, and was finally codified in the sacrament of penance. One of the casualties of this evolution was the public and communal nature of confession and absolution. The priest-penitent relationship became the sphere of forgiveness. This development undoubtedly had a large influence on the European cultural portrayal of forgiveness. For most Occidentals, forgiveness was relegated to the domains of private religiosity. The ritual form, and power relations, of penance were codified by the Fourth Lateran Council of 1215, bringing to fullness what Shriver terms "the sacramental captivity of forgiveness." These teachings were later expanded and clarified at the Council of Trent (1551). All western Christians were now required to make a record of their sins to a priest in the privacy of the confessional. This deed was seen as a prerequisite for the forgiveness of sins, and the power to grant or withhold pardon was dispensed to priests, who could demand acts of penance.²⁶

This historical drift from communal to private and institutional forgiveness was reversed in the Protestant Reformation, and again during Vatican II. Luther preached an assurance of divine forgiveness by a God who actively sought out sinners for redemption. Exposure to the Word was all that was required for redemption, no extended confessions or priestly declarations. Vatican II augmented private confession with public and mixed rites of confession and absolution. Despite these developments, however, the European cultural legacy of private and religious forgiveness has perpetuated and spread throughout the west. Along with rediscovery of the early Church rites, the recent sacramental reform may assist those Christians who would extend their theology of forgiveness into the political sphere, but they will still have to swim against the tide of thousands of years of ecclesiastical history.

It should be pointed out that, while the legacy of private confession is problematic for those who seek to insert theories of political and social forgiveness into public discourse, the sacrament of penance and private confession have much to be said in their favour. First, private confession to a skillful priest who has all of the theological and pastoral resources of the church at his disposal provides a dynamic opportunity for healing and transformation. Second, private confession protects the penitent from tyranny of the community. While the fullest expressions of forgiveness are communal, they are not always possible, because communities are not always benign. Some communities have power relations that make it unwise for wrongdoers to stand "naked" before their misdeeds.

For those of us who would articulate theories of political forgiveness, the great attention given to forgiveness by Christianity is a mixed blessing. According to my reading, Jesus' treatment of forgiveness was intensely political. His famous injunction to "forgive your enemies," for example, can only be properly understood by taking into account the historical backdrop of conquest and oppression. In the New Testament gospels, there are rich resources for the articulation of political theologies, and philosophies,^{viii} of forgiveness. Augmenting these resources are records of early Christian rites and beliefs, as well as the products of recent theological, sacramental, and liturgical reform. On the other hand, for most of Christian history, including most of the period during which the Church had a dominant influence on European culture, forgiveness was depicted in apolitical terms and was reified in rigid power relations. This legacy imposes on us the work of deconstruction.

Interpersonal Forgiveness

In this section, we will discover that philosophers and psychologists are wrestling with many of the same questions brought to the fore by the religions' treatment of forgiveness. Is unilateral forgiveness possible, or must there be repentance by the wrongdoer? What is the ideal model of forgiveness that we are to emulate? How can victims' hearts be softened so that they are more willing to pardon? What is the social value of forgiveness? Does faith in a merciful God make people more disposed toward forgiveness? This symmetry fades, however, when we examine the methods by which psychologists and

^{viii} As Arendt demonstrated, one does not have to be a believer to glean wisdom from Jesus' teachings

philosophers try to answer these questions.

One of the most important philosophical explorations of forgiveness in recent decades takes the form of a dialogue between Jeffrie G. Murphy and Jean Hampton in their book *Forgiveness and Mercy*.²⁷ Murphy makes the first attempt at defining forgiveness.²⁸ He follows the lead of the eighteenth century bishop, Joseph Butler and asserts that forgiveness is the "forswearing" of resentment.²⁹ It is important to note that resentment is not surrendered because it is an inappropriate emotional response to being wronged. Both Butler and Murphy offer a defense of resentment. Butler, while pointing out the dangers of resentment, admits that it serves the function of reinforcing and defending the rules of morality. Murphy justifies resentment because it protects and bolsters self-respect. When a person willfully and wrongfully injures another there is a double harm. The first harm is the injury itself. The second is the implicit statement by the wrongdoer that "I am essentially more important than you are. It is acceptable for me to trample your dignity or rights because I am a more important person than you." The generation of resentment within the injured person is a rejection of that claim. It is a counter-assertion of one's worth.

If resentment serves this function, then, is there any value in its abandonment? Murphy believes that there is. Resentment has an unhealthy, even dangerous aspect. It stands as an obstacle to the restoration of relationship and may colour the judgment of the one who resents. If forgiveness is the surrender of resentment, then it can perform the valuable functions of opening alienated parties to renewed relationship and averting the danger of

recorded in the New Testament.

skewed judgment. As such, it can be considered a virtue. Murphy is quick to point out, however, that it is not always a virtue. We must remember the original purpose of the resentment: the protection of self-respect. Forgiveness is only a virtue when the abandonment of resentment does not compromise the wronged party's self-respect. This leads Murphy to consider the circumstances under which it is appropriate to forgive. We will examine his treatment of this issue shortly, but first we must consider a point of clarification.

Not every instance in which resentment is relinquished is an instance of forgiveness. Murphy points out that it is possible for resentment to be surrendered in other ways. Forgetting is an obvious example: "Sometimes we lose a vivid memory of old wrongs, become bored with our resentments, and simply forget."³⁰ Another example is a conscious decision to surrender resentment because of the negative effects it is having on one's life: distraction, irritability, loss of peace of mind. Given that resentment can be surrendered in ways other than forgiving, the definition of forgiveness as "the forswearing of resentment" becomes problematic. It must be made more precise. Murphy resolves the problem by asserting that forgiveness is "forswearing resentment *on moral grounds*."³¹

This leads us back to a discussion of the conditions under which it is appropriate to forgive. Forgiveness involves a decision to abandon resentment because a moral factor comes into play that serves to separate the harmful act from the one who committed it. Murphy acknowledges that he is describing situations akin to ones in which Christians decide to "hate the sin but love the sinner." He argues that there are five reasons why a

harmful party may legitimately choose to separate the "sinner" from the "sin" and thereby abandon resentment toward the one who injured her.

I will choose to forgive the person who has willfully wronged me, because

1. he repented or had a change of heart *or*
2. he meant well (his motives were good) *or*
3. he has suffered enough *or*
4. he has undergone humiliation (perhaps some ritual humiliation, e.g., the apology ritual of "I beg forgiveness") *or*
5. of old times' sake (e.g., "He has been a good and loyal friend to me in the past").³²

Each of these is, according to Murphy, compatible with "self-respect, respect for others as moral agents, and respect for the rules of morality or the moral order."³³ He acknowledges that some of these reasons (number three for example) are less clearly grounds for forgiveness or are more problematic than others (repentance being the least problematic), but believes that, under the right conditions, each of the five reasons listed can credibly serve as grounds for abandoning resentment toward a person who has done one harm.

Murphy's list of reasons to forgive has great relevance to the dilemma of victims of tyranny in places like South Africa. It is very legitimate for these survivors of oppression to carry deep resentment towards their oppressors. But such resentment can corrode both their psyches and their relationships. Many truly desire to forgive, but most also disdain the notion of cheap forgiveness. They search for legitimate reasons to forgive. Based on my interviews, my impression is that heartfelt repentance on the part of the perpetrator is the most compelling and satisfying reason for a survivor to offer forgiveness. There seems to be a deep need within victims for their oppressors to know and to acknowledge the fact that they were wrong. Some South Africans understand their amnesty process to be a kind of political forgiveness in which applicants are forgiven after undergoing

Murphy's item number four, humiliation. The idea is that the nation is willing to offer pardon those who are willing to lower themselves to the point of publicly begging for it. As we will see in Chapter Six, the situation is much more complicated than this. Among the people calling for forgiveness (or its refusal) in South Africa, recourse is being made to all of the reasons mentioned by Murphy.

My position, outlined in the previous chapter, that forgiveness is a process with a standard "inner grammar" causes me to have some difficulty with Murphy's definition. I think his identification of the surrender of resentment as central to the *intra*-personal transformation that comes with forgiveness is correct, but, as he defines it, forgiveness can be unilateral. In other words, we can surrender resentment for moral reasons without being in dialogue with the one who harmed us. According to the "drama of forgiveness" model I outlined, a claiming of responsibility by the offender is necessary, as is a voicing of pardon by the "forgiver." Murphy leaves this *inter*-personal dimension out of his definition.

Murphy's partner in dialogue, Jean Hampton, agrees that Murphy and Bishop Butler are onto something when they focus on resentment in their definition of forgiveness, but she thinks that Murphy's alteration of Butler's definition (the addition of the qualifier "for moral reasons") does not go far enough.

But this emendation doesn't seem to be enough to fix the definition, because we typically think of forgiveness as an act which is "directed" at the wrongdoer, and not merely as some kind of internal emotional change inside the victim. If, for example, a victim overcame resentment towards his wrongdoer for moral reasons (e.g., because he believed that festering resentment affected his ability to respond lovingly to other human beings), yet sustained the belief (held soberly, and not in anger) that his wrongdoer was a terrible person and one with whom he should not associate, we would not say that he had forgiven his wrongdoer, only that he was no longer angry at her. So forgiveness must be defined so that it involves more than simply effecting certain psychological changes for

moral reasons. Of course, it may presuppose such changes in order to be possible, but it is a response that is centrally concerned with the forgiver's *relationship to the wrongdoer*. Thus we speak of forgiveness as "bestowed upon" or "offered to" the wrongdoer."³⁴

This is an important shift. Hampton is not taking issue with the assertion that forgiveness involves a surrender of resentment, rather she is saying that the emotional transformation within the forgiver is only one dimension of the event or process that is forgiveness. Not only are the forgiver's feelings changed but also his relationship to the wrongdoer. Surprisingly, even disappointingly, when Hampton turns to providing her own definition of forgiveness, she her attention returns almost exclusively to the transformation *within* the person who forgives. Granted, she goes further than Murphy in describing the elements of the transformation - she adds cognitive shifts (of attitude and valuation, for example) to the emotional shift^{IX} - but she never gets to the point of dealing with the transformation of *relationship*. She does come to the verge of such a discussion, but then rests with the internal preparations of the forgiver for a restoration of relationship. Her definition:

Forgiveness is a change of heart towards the wrongdoer in which one drops any emotions of hatred or resentment towards him and his deed, takes a pro-attitude towards him and is disposed (under most conditions) to make the offer of reconciliation.³⁵

Even though Hampton does not carry us over the line from intrapersonal to interpersonal transformation, she does bring us to the cusp by pointing to the offer of reconciliation. As such, her definition does us service. Later in this chapter we will examine the work of some scholars who take us across the line. Hampton does us another service as well. Her writings on forgiveness acknowledge that *preparation* is required of the forgiver before she can reach the point of forgiveness. She asserts that forgiveness should be analyzed as a *process* involving psychological homework.³⁶ Since the publication of *Forgiveness and*

Mercy, and perhaps partly because of the book's influence, a small but dedicated cluster of psychologists have been analyzing forgiveness in just this way - as a process. Their body of work is still young, and the range of data is far from comprehensive, but their studies may prove to be groundbreaking.

Michael E. McCullough, Everett L. Worthington, Jr., and their colleagues have been developing a multi-step model of forgiveness. They do not claim that their model represents the stages that a forgiveness process normally passes through in "real life." Instead, they are trying to design a multi-step intervention that will promote forgiveness. Essentially, they are designing a process of forgiveness that a wounded individual can be taken through if he so desires. Their work has focused on empathy as a necessary condition for promoting forgiveness, and is therefore called "the empathy model." Worthington offers his version of this model in "The Pyramid Model of Forgiveness: Some Interdisciplinary Speculations about Unforgiveness and the Promotion of Forgiveness."³⁷ He acknowledges that research on forgiveness intervention is in its infancy; only six studies representing two programs of intervention have been published. These studies are significant first steps, however.

Even though it is important to avoid taking the pyramid model as a representation of the way people forgive in everyday life, there are a number of reasons why the work of Worthington and co. can still contribute to our study. First, it is reasonable to assume that forgiveness in a therapeutic setting has some kinship to forgiveness in ordinary life. If they are able to demonstrate the factors that foster forgiveness in a clinical setting, this

³⁷ See Chapter Seven for a discussion of this.

will help us better understand the elements that may be in play when forgiveness occurs outside the clinic. Second, in subsequent chapters of our study, we will discuss the usefulness and credibility of interventions to promote political forgiveness. The "empathy model" may be able to serve as one of our yardsticks. Third, the focus on empathy by Worthington and co. is highly relevant to a discussion of political forgiveness, and may serve as a corrective for the definitions of forgiveness offered by Murphy and Hampton. While some of Murphy's reasons for forgiving relate to empathic perceptions of the offender - "he has suffered enough," for example - neither his nor Hampton's discussion of forgiveness underscores the importance of empathy.

Worthington understands forgiveness to be "a motivation to reduce avoidance of and withdrawal from a person who has hurt us, as well as anger, desire for revenge, and urge to retaliate against that person. Forgiveness also increases the pursuit of conciliation toward that person if moral norms can be reestablished that are as good as, or even better than, they were before the hurt."³⁸ In this definition, there are some elements in common with the definitions of Murphy and Hampton, but there is a key shift. It is only implicit in the passage quoted, but Worthington states it explicitly at other points. He does not feel that the primary emotion that needs to be overcome in a process of forgiveness is resentment, but rather *fear*.^X

When people are hurt, says Worthington, they are fear conditioned in a classical conditioning sense - like a rat in a cage. The rat hears a tone and is then given a painful shock. Later, when the rat hears the tone again it becomes afraid. Likewise, a person who

receives a hurt, injustice or rejection from an offender will experience fear when in the presence of that offender at a later time. Following instinctual patterns, the wounded person will seek to avoid the offender or, failing that, will fight with the offender or, if that strategy is unsuccessful or unfeasible, will make a gesture of submission. None of these responses foster true reconciliation. The wounded party is left in the undesirable state that the pyramid model of forgiveness is designed to combat: "unforgiveness."³⁹

The model has five steps:

I describe the treatment in five steps that are represented by the acrostic **REACH**: **R**ecall the hurt, **E**mpathize with the one who hurt you, [offer the] **A**ltruistic gift of forgiveness [make a] **C**ommitment to forgive, **H**old onto the forgiveness. Although I present the model in a series of steps, I do not believe that the steps need to be followed in invariant order; for example, steps **E** and **A** are particularly subject to being joined.⁴⁰

In step one the hurt is recalled within a supportive atmosphere without re-experiencing the associated pain. Repetition of the conditioned stimulus (cognition of the person who inflicted the wound) without feeling the full depth of the hurt is considered extremely important. It serves to extinguish the fear response to the conditioned stimulus, not to the extent that fear conditioning is altered altogether, but such that the wounded person does not respond in the classical flight/fight fashion. This is considered the beginning of forgiveness.

Step two is the key stage in the model. Because fear conditioning is an emotional response, it is combated by the creation of conditions that promote other "emotional systems." It is crucial that a state of empathy for the offender be generated. Clients are helped to imagine what the offender might have been thinking and feeling during the

^X It is also worth noting that his definition, like Hampton's, takes the forgiver to the verge of contact with

hurtful event. They are also encouraged to engage in such activities as recalling good experiences with the offender, writing a letter of explanation that attributes reasonable motives to the offender, and breathing deeply and slowly during the cognitive exercises. It is believed that eight sources of body feedback maintain emotional experiences (thus guarding unforgiveness). Worthington and his colleagues try to alter this feedback by inducing a strong sense of compassionate empathy. This takes time, but Worthington claims that their research shows that this approach fosters more forgiveness than a strong forgiveness treatment based on a rationale to forgive.⁴¹

The generation of compassionate empathy is a very significant milestone along the path drawn by Worthington and his colleagues, but some people reach this milestone and still do not offer the "altruistic gift" of forgiveness (step three). To encourage such an offering, Worthington and co. attempt to induce a state of humility by leading their clients through three experiences: guilt, gratitude, and gift. Worthington claims that "I am using guilt as a healthy sense of one's own wrongdoing, rather than as a more self-involved sense of shame."⁴² For him, guilt is the humble recognition that one is capable of causing the suffering of others. After having the client reflect on her guilt for a while, she is invited to imagine what it would be like to receive forgiveness for the remembered transgression or to remember a time of received forgiveness. In either case, the episode is "vividly elaborated" aloud or in writing. It is anticipated that the person's emotional state will shift to one of joy and/or other positive emotions. Then the "feeling and emotion of gratitude is juxtaposed against the offender, and what I might call *empathic projection* occurs."⁴³ At this point the therapist makes an explicit invitation for the client to forgive

the offender. but stops there.

the offender. If the invitation is accepted, then the "altruistic gift" will be offered.

With the gift comes an emotional shift within the forgiver. But there is still a danger that this shift will be reversed. Remember that in step one the conditioned fear response is altered but not completely extinguished. Further contact with the offender or other events may cause the reassertion of fear, which produces unforgiveness (according to this model). To make later denial of the experience of forgiveness less likely, the wounded person is asked to make a public acknowledgment of that experience. She is asked to move through a graduated series of steps:

1. To talk about her experience of forgiveness.
2. To write a certificate stating the date of granting forgiveness.
3. To write a letter explicitly forgiving the offender for the harm as if she were going to send the letter.
4. To read the letter aloud to a facilitator, a therapy group, a family member or a partner.
5. To consider the wisdom of sending the letter (or a version thereof) to the offender.

These activities constitute step four of the pyramid model of forgiveness: commitment to forgive. Even after solidifying forgiveness in these ways, there is danger that forgiveness will be reversed once the client has finished the therapeutic process and returned to everyday life. The facilitator teaches her a number of techniques that can be employed to maintain the emotional shift. This constitutes the final step in the model: holding onto forgiveness. The techniques include emotion-management tools, reexamination of the certificate and the letter, and repetition of the model.

I have an ambivalent reaction to the model. On the one hand, the attention given to fear as a barrier to forgiveness strikes me as insightful and promising. Murphy, Hampton and other theorists who associate the release of resentment with forgiveness are correct to do so. These theorists more often associate anger and indignation with resentment than they do fear, but how often do we find fear at the root of anger and indignation? Fear may not always be a part of one's response to an offense, but it very often is. This is especially the case for offenses like torture, rape, and murder, which are horribly common in places like apartheid South Africa. Also, what is a better antidote to fear - or anger and indignation for that matter - than empathy? Worthington and co. are on the right track here. Most offenders are not devoid of all humanity. They do wrong out of their own fear or confusion or blindness. The empathy-oriented techniques suggested by the pyramid model will help offended parties to imagine their way into the (misguided) motivations of the wrongdoers.

On the other hand, I wonder whether this tugging of wounded hearts toward forgiveness is not manipulative and sometimes inappropriate. Certainly one would expect that the volunteers for such a process would be persons who truly do desire release from the negative emotions they feel toward the people who have harmed them. But, in a variety of circumstances, there may be other, more appropriate interventions to deal with these noxious emotions. Certainly, if I remember the victims of Apartheid whom I met in South Africa, a number are so wounded that they might embrace any offered intervention that promised to harmonize their passions. I have serious doubts, however, that the pyramid model of forgiveness could foster a harmonization that would be true to the moral dynamics of their life situations. It lacks an important step: truth telling, including

acknowledgment by the offenders that they have done wrong. This highlights a danger with psychological models of forgiveness. They may be employed in clinical settings, but they are for people who were wounded in and who will return to real life settings with their complex matrices of relations. Healing is moral and political. Even if only at the level of family politics or office politics. To forget this would be to leave the moral consequences of intervention to chance.

Another caution that needs to be made relates to survivors of mistreatment who suffer from traumatic stress disorders. I do not think Worthington's intervention would be appropriate for these people. His first step involves the repetition of the conditioned stimulus without a full re-experiencing of its associated emotions. In this way, the fight/flight response is avoided. With sufferers of traumatic disorders, however, the hyperarousal that comes with the fight/flight response is continually present, and one of the major obstacles to healing is disassociation. Worthington's intervention would bypass an essential treatment step; it would not only fail to reverse disassociation, it might reinforce it or entrench it in novel forms. Also, trauma therapists in South Africa warn that imperatives to forgive cause some victims to repress their rage, which very often gets sublimated in destructive ways later.^{XI} The Pyramid Model intervention would not only introduce such an imperative; it would teach the client ways to perpetuate the repression

^{XI}During my pastoral work as a Protestant minister. I encountered a number of people who had been harmed by members of their families or communities and whose healing processes were being blocked by their perceptions of a Christian imperative to forgive - perceptions reinforced every Sunday with the repetition of the "Lord's Prayer." Their understanding of this imperative left no place for the lengthy processes of coming to understand the hurtful action, reconstructing their self-image after having experienced a wound (and possibly an accompanying loss), and reevaluating their matrix of relationships. Forgiveness granted before engaging in this kind of cognitive/affective homework was not liberating, and often had the opposite effect. My suspicions of forced forgiveness were reinforced in South Africa. There I met a number of torture victims and their therapist who were critical of Archbishop Tutu's otherwise brilliant and transformative rhetoric of forgiveness because it was causing some of Apartheid's victims to

after treatment ends. There is evidence that the healing process of trauma survivors is sometimes truncated by recourse to fantasies of forgiveness that do not constitute a real surrender of anger and grief, but rather a technique for avoiding them.^{XII}

This does not mean that psychological models like the pyramid model have no place in the pursuit of political forgiveness; rather, it means that they must be held to standards of appropriateness that lie outside of the considerations which originally informed their creation. There are many victims of apartheid, for example, who do not suffer from traumatic stress disorder, but who do carry strong, and perhaps self-corroding, negative emotions. Perhaps they would be good candidates for an intervention like that outlined in the Pyramid Model. Of course, the model would have to be altered to include an element of moral and political analysis.

The Pyramid Model is not the only forgiveness intervention being tested and refined. Robert Enright and his colleagues are working on the "Process Model of Forgiveness."^{XIII} While this model resembles Worthington's in many ways, it appears to give more attention to moral and ethical dilemmas along the way, and to offer more opportunities for the client to take pause and evaluate whether or not further journeying toward the end goal of forgiveness is the most appropriate action.^{XIII}

try to forgive their oppressors long before they were ready for that kind of emotional shift (perhaps they never will be ready or it will never be appropriate).

^{XII} See Chapter Eight for further discussion of these issues.

^{XIII} Robert D. Enright and his colleagues in the Human Development Study Group at the University of Wisconsin-Madison have developed another model: "The Process Model of Forgiveness." They define forgiveness in the following way:

In genuine forgiveness, one who has suffered an unjust injury chooses to abandon his or her right to resentment and retaliation, and instead offers mercy to the offender....

Inherent in this definition of genuine forgiveness are three points worth noting. First, the injured one is able to recognize an actual injustice. Second, the injured one chooses willingly and without coercion to respond with mercy rather than what could be

In her article "Forgiveness in Context", Molly Andrews comments on the work of Enright and his colleagues in a manner that brings us back to an issue raised earlier: the importance of not losing sight of the forgiver's relationship to his wrongdoer. Andrews is

justifiable retribution. Third, forgiveness is decidedly moral, concerned with the good of human interaction. These points may be helpful in ascertaining the differences between genuine forgiveness and other concepts sometimes confused with it, such as: *pardoning, condoning, excusing, forgetting, and denying.*

Working with this definition and testing their ideas through research Enright and the Human Development Study Group have developed and refined a psychological process model of forgiveness, which includes twenty variables and "incorporates the cognitive, behavioral, and affective aspects of the forgiveness process." (p. 143) According to their model, these are the units of the process of forgiving another:

Uncovering Phase: Examination of psychological defenses/ Confrontation of anger; the point is to release, not harbour, the anger/ Admittance of shame, when this is appropriate/ Awareness of cathexis/ Awareness of the cognitive rehearsal of the offense/ Insight that the injured party may be comparing oneself with the injurer/ Realization that one may be permanently and adversely changed by the injury/ Insight into a possibly altered "just world" view. *Decision Phase:* A change of heart/conversion/new insights that old resolution strategies are not working/ Willingness to consider forgiveness as an option/ Commitment to forgive the offender. *Work Phase:* Reframing, through role taking, of who the wrongdoer is by viewing him or her in context/Empathy and compassion toward the offender/ Acceptance/absorption of the pain/ Giving a moral gift to the offender. *Deepening Phase:* Finding meaning for oneself and others in the suffering and in the forgiveness process/ Realization that one has needed others' forgiveness in the past/ Insight that one is not alone/ Realization that one may have a new purpose in life because of the injury/ Awareness of decreased negative affect and, perhaps, increased positive affect, if this begins to emerge, toward the injurer; awareness of internal, emotional release.(pp. 144-5)

It is difficult to evaluate psychological intervention models when our evaluation is based solely on published articles. The reader is not present to the actual intervention to witness the care and subtlety with which the models are employed by facilitators. Instead, we evaluate the care and subtlety employed in the reportage. My reading of the *reportage* gives me the impression that the Process Model of Forgiveness follows a course not wholly unlike that prescribed by the Pyramid Model of Forgiveness, but that the stages of the Process Model are more carefully delineated, give more attention to moral and ethical dilemmas along the way, and offer more opportunities for the client to take pause and evaluate whether or not further journeying toward the end goal of forgiveness is the most appropriate action.

The uncovering phase of the Process Model is similar to the first step of the Pyramid Model (recalling the hurt) in that there is a looking back to the moment of injury, but the two models try to accomplish very different things at this stage. While the Pyramid Model advocates a repetition of the "conditioned stimulus" without feeling the depth of negative emotion, the Process Model is designed to help the client become aware of negative emotions and the cognitive patterns that accompany them. Whether the difference of approach is attributable to the fact that the two models focus on different presenting emotions - fear (and its affects) in one case, and resentment and the desire for retaliation in the other - or to philosophical differences between the clusters of psychologists, I am not sure. Whatever the case, the divergence of approach in the early phase continues in later phases and has important ramifications. The architects of the Process model seem to invite a much broader and deeper range of self-reflection and seem to be willing to let the client self-design his path to healing to a greater extent. This is testified to by the inclusion of an entire "decision phase" in the process model before moving clients toward the work of empathizing with

critical of models like Worthington's and Enright's because they construe forgiveness as a unilateral activity.⁴⁵ She contrasts them with a model of "negotiated" forgiveness, and argues strongly for the superiority of the latter.^{XIV} Negotiated forgiveness transpires through dialogue between the offender and the victim. The wrongdoer admits an offense and seeks forgiveness for it. Andrews maintains that this entails (at least) the three steps of confession, ownership, and repentance. He must admit that he has committed the unjust and harmful action, take responsibility for it, and express remorse. Unilateral forgiveness, on the other hand, "is a process which is contained entirely within one individual; it neither engages with nor is in any way dependent upon the position of the wrongdoer."⁴⁶

Why does Andrews prefer models of negotiated forgiveness? Like some of the other writers we have surveyed, she believes that a "change of heart" is central to the process of forgiveness, but she makes a shift: the change of heart must take place *in both the forgiver and the forgiven*. Andrews is unwilling to surrender forgiveness to the realm of intrapersonal phenomena. She understands forgiveness to be a social phenomenon.

Andrews is correct in her shift of emphasis. Forgiveness is about the healing of the wounded party, for certain, but it is also about the transformation of the wrongdoer so that he will not repeat his offense (and, possibly, so that he will experience healing himself).^{XV} This transformation may protect the forgiver in the future, and it may also protect other people. It is a rare occurrence for two persons to act out a drama of rending

offenders, and by activities oriented toward the healing of pain and the reconstruction of meaning for and by the wounded person during both the "work" and "deepening" phases.

^{XIV} I am not sure that "negotiated forgiveness" is the best term for what Andrews is referring to. The give and take between the parties is not really a negotiation. "Interactive forgiveness" might be better.

and forgiveness in isolation from a larger matrix of relationships. Other parties have vested interests. While this is especially true for political forgiveness, it is very much true for interpersonal forgiveness as well.

If we are to take seriously the role of the offender in the process of forgiveness, then we need to add an understanding of the work that is required of him to our understanding of the work that is required of the one who has been harmed. Andrews is clear about this: his job is that of confession, ownership, and repentance. In some situations, it would be appropriate to add the making of restitution to that list.

We move now to a discussion of political forgiveness. All of the debates we have encountered in our survey of works on interpersonal forgiveness apply to political forgiveness as well, and are compounded by a number of others as well.

Political Forgiveness

Forgiveness is a difficult and dangerous concept to carry into the realm of politics. There are some obvious and formidable obstacles, perhaps the most important being that the paradigmatic syntax of forgiveness belongs to the domain of interpersonal relations. There are two prototypical manifestations of forgiveness. The first is a transaction between *two* people: the offender and the victim. The second involves a *triad*: offender, victim, and mediating third party (often God). Extrapolation from such numerically simple contexts to a society-wide context complicates the situation to such an extent that

^{xv} And about the transformation of the relationship between them.

the fundamental grammar of forgiveness is severely, some would say hopelessly, challenged.

Another obstacle is the long association between forgiveness and religion. In the west, forgiveness has been so tied to Christian teachings and Christian institutions that some thinkers believe it is too coloured by theology to ever be retrieved for application in such secular realms as national or international politics. This problem may not be as severe in some other parts of the world. The importance of Archbishop Tutu's rhetoric of forgiveness to South Africa's Truth and Reconciliation Commission serves to make the point. Even in South Africa, however, there was some resistance to Tutu's rhetoric just because he was a representative of the Christian community.

As discussed in an earlier section of this chapter, the problem of forgiveness' association with Christianity is compounded by the extent to which the Christian understanding of forgiveness was influenced by the Sacrament of Penance. This sacrament shifted the power to forgive from the victim to God (through the priest as mediator). In fact, the victim was often forgotten and removed from the equation. Emphasis was placed on the offender, who was required to bring the sinful act to confession and carry out the penance prescribed by the priest. The power to forgive was sometimes abused by the church - the extensive system of indulgences being the most prominent example. During the Protestant Reformation and the Counter Reformation most of these abuses were curtailed, but many if not most Christians still understand forgiveness offered by God to be more important than that offered by the victim.

It is ironic that the very religious institutions that have valued and promoted forgiveness as a virtue are in danger of obscuring it because of their association with it. Exacerbating the problem is our memory that important Christian thinkers themselves, from Augustine to Luther to Niebuhr, have been complicit in the exclusion of forgiveness from politics by identifying separate sets of ethics for the 'city of God' and the 'earthly city.' They thought it to be too much of a stretch to expect a place for the virtue of forgiveness in the rough world of earthly politics. There is room for forgiveness in our lives, but in the realm of private relations, not public ones.

As Arendt pointed out, Jesus "discovered" the indispensable role of forgiveness in the processes of social change.⁴⁷ The canonical gospels reveal that Jesus held forgiveness to be essential if fractured communities were to survive, or, even better, to heal. Despite this, in Christian treatment starting with the New Testament itself, there is a steady drift away from this perspective to one in which forgiveness is a private matter between transgressor and victim, or between parishioner and priest.

Another obstacle to the importation of forgiveness into the realm of politics is its association with forgetting. "Forgive and forget" is a cliché that we have all heard numerous times. But in contexts of mass injustice or great rending, forgetfulness is very dangerous. When the wounds and the rage left by violent oppression are ignored or pasted over, they resurface and cause new unrest. Thinkers like Donald Shriver have tried to sever the mental link between forgiving and forgetting, but others, even some as adroit as Miroslav Volf, have reinforced the connection. The legal and political philosopher Martha Minow has argued that, while there are particular and limited situations in which

a political process of forgiveness is appropriate, large scale reconciliation processes need to situate themselves somewhere between vengeance and forgiveness, which, because of its association with forgetfulness, can push toward facile amnesties and can interfere with justice.⁴⁸

The work of Donald W. Shriver Jr. is very helpful in terms of responding to the difficulties outlined above. In *An Ethic for Enemies: Forgiveness in Politics* he champions political forgiveness as a rebuttal of what he considers to be a lamentable and pervasive frame of mind in humanity today.

I have written this book chiefly to address the frame of mind which resists dealing with the leftover debris of national pasts that continue to clog the relationships of diverse groups of humans around the world. The debris will never get cleaned up and animosity will never drain away until forgiveness enters these relationships in some political form. To dismiss this concern as a preoccupation with ancient history is to miss all the evidence for the truth that William Faulkner put on the lips of one of his characters: "The past is not dead and gone; it isn't even past."⁴⁹

In the introduction to *An Ethic for Enemies* Shriver offers a definition of political forgiveness by outlining its four constituent elements. In opposition to the "popular wisdom" which associates forgiving with forgetting, he asserts that forgiveness begins with memory; in particular memory that contains a moral judgment of wrong, injustice, and injury. Here we confront the first challenge of political forgiveness. Without an agreement between two or more parties that serious wrongdoing has taken place, forgiveness "stalls at the starting gate." This consensus can take a long time, which is not surprising given the general antagonism that usually marks a post-conflict situation. The eventual agreement may well describe a culpability - and associated need for forgiveness - that is bilateral, or even multilateral. Even in contexts where one social group has

clearly been oppressed by another, there will probably be memory of human rights violations by both sides.

The second element of Shriver's definition of forgiveness is the abandonment of vengeance. This is where the cycle of violence is broken. Without a commitment to the forbearance of revenge, moral judgment (element one) may actually heat up a situation of conflict by arming one or more parties with the knowledge of having been wronged. It is important to note that a forbearance of vengeance does not necessarily include an abandonment of punishment for evildoers. This punishment would be decided upon and administered by formal institutions that adhere to due process.

Shriver's third element of forgiveness is no less difficult than the first two: empathy for the humanity of the enemy. He is careful to distinguish empathy from sympathy, especially sympathy for the enemy's cause or actions. The combination of moral judgment of wrong and empathy for the wrongdoer's humanity may be rare, but it is this combination that can lay the groundwork for the reconstruction of human community.

Empathy can open former enemies to the final element of forgiveness: the renewal of human relationship. True forgivers will be prepared to begin living with the enemy again on some level of mutual affirmation. In politics this would be co-existence. At the least this would entail a civil relationship between strangers in community. According to Shriver, this relationship may or may not embody reconciliation. He places reconciliation

at the end of a process which forgiveness begins.^{xvi} Co-existence may be little different from passive tolerance, but even this would be a move away from a violent or destructive past toward a more hopeful future.

Shriver could have added other elements to his list of four. Restitution is one. He makes reference to restitution as a desirable end that becomes possible when memory suffused with judgment has been established, but he does not include it as an essential or definitive part of the process. There is some historical precedent for the exclusion. There have been a number of reconciliation-oriented political processes that have not included restitution or reparations. Some of the Latin American truth commissions serve as examples. I would argue, however, that the absence of restitution was to the detriment of these commissions, and of the nations they served. As time passed, some of those nations were forced to revisit the issue of reparations and to implement compensation programs. When there has been wrongdoing and rending at a communal or societal level, the issue of reparations cannot be avoided, at least not in the consciousness of the victims.

Two general comments need to be made about the movement of forgiveness from the domain of interpersonal relations to a much larger one. First, the timeline becomes different. While interpersonal forgiveness can take a lifetime, it usually happens more quickly. Political forgiveness can take *generations*. We see this in the United States with the re-emergence of calls for apologies and restitution related to the legacy of slavery. This phenomenon not only demonstrates that the ghosts of oppression past do not go

^{xvi} Here Shriver and I do not agree. In my treatment, forgiveness involves reconciliation, indeed "thick" reconciliation.

away, it also shows that statements of repentance and forgiveness can be decades, even centuries in coming. While this fact may be daunting, it is also a source of hope. If the agents of apartheid are slow to confess, they may be moved to do so later, benefiting from the emotional distance provided by time elapsed, or their children may do it for them. A traditional Mi'Kmaq chief on Canada's east coast once explained to me that the wisdom of his people teaches him to take fifteen generations into consideration whenever he speaks to an important decision: the current generation, the seven that preceded it, and the seven that will follow. Not bad advice for students or promoters of political forgiveness.

Second, the language appropriate to the drama of forgiveness is not the same at the interpersonal and societal levels.⁵⁰ At the interpersonal level emotive language that gives voice to remorse and reveals the angst of the perpetrator is essential. This can also be true in a large context of reconciliation when a specific perpetrator meets his or her own victims, such as in the amnesty hearings of the TRC. But when a leader of a people, a community, or a constituency offers an apology or forgiveness, it is less important that the language be emotive. Instead *symbolic* language that acknowledges the breadth of past wrongs or the depth of contrition is most important. Not that emotion is irrelevant, but it must have a different horizon. Perhaps the best example of such language is the *body* language of Willy Brandt when he laid a wreath upon the monument at the Warsaw Ghetto. Instead of bowing to lay the wreath, he kneeled down. All across Europe this was seen as a sign of repentance on behalf of the German people.

This is not a bad image with which to close our chapter. In the wake of war or oppression, the debate and rhetoric about forgiveness can grow well beyond the point of confusion. Sometimes an adroit gesture can cut through the clamor and give a gift of clarity. South Africa had at least two public figures who were masters of such gestures; I refer to Nelson Mandela and Desmond Tutu. In the next chapter, we will survey the history that brought that country to the precipice of disaster and that produced such extraordinary rescuers as Mandela and Tutu.

Chapter Three

Historical Overview⁵¹

The tide of South African history between 1652 and 1994 swept the country in the direction of progressive hostility. There may have been an ebb and flow of open conflict, but the drift was unquestionably in the direction of antagonism. This bitter legacy cannot simply be dismissed as the consequence of a tragic but inevitable clash between radically different peoples with competing interests. Much of the strife has to be attributed to directed attempts on the part of whites with political and economic power to keep the races apart, except where proximity was conducive to their own enrichment. Particularly lamentable is the fact that the relegation of the non-whites to the socioeconomic margins often had the spurious (and sometimes planned) effect of creating conflict between different groups of blacks.^{XVII} It would be almost impossible to create a context more skewed toward the development of mistrust. Trust or mistrust between groups of people develops as a product of many interactions, often lasting generations. Over the course of South African history, there must have been many examples of trust developing between members of the various racial groups. The inclusion and comradeship of members of all races in the ANC is a celebrated example. The convergence in the nineteen eighties of white and black church groups in opposition to apartheid is another. It is clear, however, that these are the exceptions to the rule.

^{XVII} The terms used to designate racial groups in South Africa are somewhat ambiguous and in a state of evolution. In this dissertation, I use the term "African" to refer to the majority population of South Africa whose ancestry belongs to the African Continent. "Coloured" is a term commonly used in South Africa to designate people of mixed race. Like a growing number of South Africans, I prefer to simply say "mixed race". "Indian" refers to people of East Indian descent. I use the term "black" to include members of all three of these groups.

The purpose of this chapter is to take an overview of this history and a glimpse at the society it has left in its wake. We will focus particularly on the development of interracial hostility and the obstruction of interracial solidarity. It is, of course, beyond our scope to examine all of the political developments and socioeconomic factors that directed this history, but we can gain insight into relations between Africans, Afrikaners, other whites, mixed race people, Indians, and others by focusing on a couple of social sectors and viewing these against the backdrop of major political events.

Particular attention will be given to churches and labour organizations, especially during our examination of the dynamics and developments that characterized twentieth century South Africa. The former was chosen because religion, especially Protestant Christianity, has had such a powerful influence on all sectors of the population and was pivotal to the construction and deconstruction of apartheid. Religion will also be of central importance to the future reshaping of identity that must take place before political forgiveness can be fulfilled. The labour sector was selected because economic competition and exploitation have propelled the forces of segregation that have so marked South African history. It is also hoped that a review of union history will help clarify the kinds of distributive justice that will have to be achieved for political forgiveness to become possible.

Upon comparison, the histories of religious and labour organizations in South Africa show many commonalities. In both, there was early and long lasting segregation. In both, the white organizations played the strong hand from a stacked deck. Both kinds of organizations, for Europeans and Africans alike, played key roles in the socioeconomic development and identity construction of their members. They empowered their

constituents and identified their enemies. They fostered social solidarity and strengthened community for both blacks and whites. The tragedy of their histories is that this solidarity was always colour specific. The various racially-delineated communities would be so much more integrated, rich, and strife-free, if one set of religious and labour institutions had not evolved (under the influence of social engineering) for whites and another for blacks.^{xviii} The same things could be said about educational bodies, cultural and athletic associations, business associations and many more social institutions. One of the lamentable things about South African society was that the civic networks that bind any society in this case tied people up so that they could not reach out to others who had a different skin colour, a different first language, or a different cultural history. As a result, when reaching out did occur, it was very often with a fist.

In the last section of this chapter, we will change our focus somewhat. The purpose of that section will be to examine the economic conditions that mark South Africa in this time of youthful democracy. The contours of economic life in South Africa are very dramatic and often very harsh. It will be important to be familiar with them and to keep them in mind as we discuss truth-telling, justice, healing and other components of political forgiveness in the chapters to come.

The San, the Khoikhoi, and the Bantu-Speaking Peoples

Human beings have been living in the territory now called South Africa for many thousands of years, perhaps as many 125,000. Middle Stone Age toolmakers may have

^{xviii} Actually the situation was even more fractured than this. There were churches and unions specific to groups within white and African society, not to mention people of mixed race and Indians.

existed there 40,000 years ago. Six hundred or so sites belonging to Late Stone Age peoples (20,000 years ago) have been uncovered. The San hunter-gatherers, who came to be called "Bushmen" by Europeans, were likely their descendants. The San, whose population probably never exceeded 20,000, lived in highly mobile bands of twenty to two hundred people. It was their absolute dependence on game that caused them to organize this way, and to be widely dispersed in southernmost Africa.⁵²

The Khoikhoi, called "Hottentots" by Europeans, whose numbers may have reached 100,000, are thought to have been hunter-gatherers related to the San who obtained cattle from an outside source 2,000 years ago. By 1650, they were firmly established in a cattle-herding way of life. They lived mainly along the Atlantic and Indian coasts of what are now Namibia and South Africa, and along the Orange River.⁵³

The majority of South Africans, the "Africans," belong to the Bantu-speaking peoples - the Zulu-Xhosa-Swazi, the Sotho-Tswana, the Venda, the Shona, and others. A myth has long been propagated that these peoples arrived on the plains of Southern Africa at the same time that the Dutch became implanted on the Cape of Good Hope. Archeological research has shown this to be false; Bantu-speaking chiefdoms were present much earlier. These peoples appear to have existed as mixed farmers. In the late Iron Age, their population increased, more livestock was kept, sociopolitical organization became more complex, and communities grew up around deposits of gold, copper, and iron.⁵⁴

1652 - 1899: From the First Europeans to the Anglo-Boer War

At the end of the fifteenth century, the Portuguese circumnavigated the Cape of Good Hope, and began the European association with southern Africa. Although the

Portuguese rarely landed there, English, French, and Dutch companies trading with the Far East all considered building a base there. It was the Dutch who decided to follow through. Jan van Riebeeck established a base for the Dutch East India Company (VOC) at what is now Cape Town in 1652. It was to be a modest settlement, designed only as a supply station for ships traveling to Asia. Many sailors were perishing on the long voyages to the Far East from scurvy and other diseases. Vegetable gardens and a hospital were to be established. In 1657, plans changed, and the granting of permission for nine Company servants to establish private farms amounted to the planting of a full-fledged colony. Over the following years more and more free burghers established their homesteads. They included company employees from throughout the European “hinterland,” and Huguenot refugees. As may be expected, the priorities of the farmers were different than those of the VOC officials, who saw the settlement as existing not to serve its own needs, but those of the Company - and its interests were firmly focused on Asia.

From the early days of the Cape settlement, life was marked by interracial conflict and exploitation. There were continual skirmishes between Dutch settlers and the Khoikhoi. From almost the very beginning of the settlement, slave labourers were imported. Many of the slaves came from further North on the continent through barter with the very active Portuguese slave traders. Others came from Madagascar and many parts of Asia where the VOC had dealings. Company slaves were not held in great numbers, but those “owned” privately rose to a number greater than 25,000 during the eighteenth century. There were no large-scale slave revolts, but with so much land to the north unclaimed by Europeans, attempted escapes were common, leading the colony to institute penalties as

extreme as scourging, branding, and the amputation of the ears and/or nose for attempted escape.⁵⁵

After decades of struggle and exploitation the Khoikhoi met with a harsh fate.

After the white settlement they traded their cattle for the Dutch Company's tobacco, and began to act as brokers in a developing trade between the Europeans and the Xhosa to the East. But the European advance eventually cost the Khoikhoi their land, their stock, and their trading role. Twice defeated in battle in the seventeenth century, and decimated by smallpox in 1713 and 1755, they ultimately lost their identity as a distinct group. Most were driven into the white man's service, as herdsmen, labourers or militiamen in the Colonial forces, or gained admission to one of the mission stations set up by the Europeans from the late eighteenth century onwards. Some withdrew to the valley of the Orange, to leave their mark on the turbulent frontier of the nineteenth century....⁵⁶

Tensions grew among the collection of Europeans in the Cape as well. By 1705 there was strong resistance among settlers to the rule of Governor Willem Adriaen van der Stel. The expatriate European settlers, many of humble origins, were provided with little formal education beyond the Dutch Reformed catechism. The challenges of carving out a life on the frontier, of contending with the Khoikhoi, and of submitting to VOC rules about trade encouraged an uncomplicated, tough-minded attitude towards life. The Dutch language and Calvinist religion became communal glue. A culture was being born. Those who lived within it would come to call themselves Afrikaners, and they would find themselves in cultural tension with sophisticated newcomers from Europe for many generations to come.

By the end of the eighteenth century, this tension became more acute. A pluralistic, stratified city was growing up at Cape Town, and the values of the enlightenment were catching on. First in 1795, then permanently in 1806, the British took control of the site and administrated it as a colony. They did little to make the organization of society less

hierarchical or racially exploitative, but they exhibited a liberal and patronizing form of exploitation. They tried to regulate the way the burghers treated their servants and settled disputes with the Khoikhoi, an effort that was not received kindly by the Dutch farmers.

As a result of these strains and the desire for more and better land, "trekboers"^{XIX} began venturing further and further afield, surveying vast areas of land to the north, and encountering the Bantu-speaking peoples there. The stage was being set for the Great Trek, the first large-scale white exodus from the colony. In 1837 Piet Retief set out with one hundred men, women, and children. By 1840, between 6,000 and 15,000 people had departed.⁵⁷ In the ensuing years, thousands more Dutch settlers followed and spread themselves over much of what is today called South Africa. It is not exactly accurate to call these trekkers "Dutch." Their language was evolving into a unique tongue and their culture was going through a parallel process. They were becoming "Afrikaners," also known as "Boers."

The nineteenth century was marked by several periods of intense conflict, between Europeans and Africans, and between African groups themselves. During the early decades, a major period of upheaval took place among the Bantu-speaking chiefdoms. It is not clear to what extent this crisis emerged from developments within African society, and to what extent it was precipitated by contact with whites. In any case, there appears to have been what T.R.H. Davenport calls "massive human tragedy." The Xhosa word for this time is *Mfecane* - "to be weak, emaciated from hunger." The Sotho term is *Lifaqane*, which conveys the meaning of forced removal.⁵⁸

The entire century was marked by wars between Africans and European groups. Early on, there were skirmishes on the eastern frontier of the Cape Colony with the Xhosa. As trekboers moved north in greater numbers, there were battles with various Bantu-speaking groups. These Afrikaners felt that their fate was in the hands of God. They suffered massacres, but ultimately won more fights than they lost, sometimes against numbers much greater than their own. Their defeats and victories were woven into a mythology of Divine selection as the "white tribe of Africa." Later, British armies entered the fray, trying both to moderate the conflicts between Boers and Africans and to advance colonial interests. Eventually, the British presence became entrenched in areas such as Natal.

Davenport comments on these wars, which occurred

... first on the northern and eastern Cape frontiers, but subsequently on a multiplicity of new frontiers created as a result of the Great Trek. It was, in its essentials, a story of black-white confrontation in which the white man, with his superior weapons and his notion of individual ownership, his theodolite and his title deed, generally gained at the expense of the black. Black chiefdoms seldom became involved in inter-white quarrels, whereas the advancing whites were often able to exploit the divisions in black societies which developed all too frequently as a direct result of their initial loss of land.⁵⁹

For the people who became the Afrikaners, religion was of utmost importance. In 1652 when the V.O.C. established its station on the Cape of Good Hope, the first settlers were mostly Dutch Calvinists. Over the ensuing decades, as the quantity of settlers grew, the majority of the population continued to be of Dutch origin, but significant numbers of Huguenots and northern Europeans also arrived. Despite this diversity, almost all inhabitants came to speak Dutch and to be members of the Dutch Reformed Church,

⁵⁹ The first people of Dutch descent who broke away from the Cape Colony to explore and settle lands to

which played a central role in the education of children and the provision of a system of values for the new society. When the Cape was occupied by the British in 1806, the Dutch Reformed Church played a key role in protecting the language and culture of the populace from 'anglicization.'

The trekboers took their Dutch Reformed religion with them but, like Calvinism in Europe, it was prone to schism. Eventually, the Dutch Reformed Church was divided into three major Kerks. The Nederduitse Gereformeerde Kerk (NGK), to which the majority of Afrikaners still belong, was established by the Dutch East India Company in 1652 and, as mentioned, formed the center of the settler community. When, in the eighteen thirties, the first wave of trekkers left the Cape, they were not granted the blessing of the NGK. In the new Boer Republic that was established in the Transvaal, the Nederduitsch Hervormde Kerk was formed. Several years later, a group of the faithful who felt that the church was moving too far from its Calvinist roots split away and called itself the Gereformeerde Kerk; eventually its members came to be known as the "Doppers." In the next section of this chapter, we examine the role of this latter group in the growth of a mythology of "apartheid."

The Anglo-Boer War and the Generation of the Myth of Apartheid

As the nineteenth century progressed, tensions increased between Afrikaners and the British. As the trekboers and their descendants settled across the large swath of land

the north. They play a prominent role in Afrikaner mythology.

called the Transvaal,^{xx} as well as other areas, they became more politically organized, eventually founding a number of their own republics. The largest of these was the South African Republic, which included Johannesburg and Pretoria. When large diamond, gold, and other mineral deposits were discovered, these areas came to be of great commercial importance. While the British seemed willing to tolerate Afrikaner self-rule in the republics, they were very desirous of their integration into the southern African common market. This was especially true of the Transvaal, which by the 1890s was surpassing the Cape colony in the value of its exports. Paul Kruger, the legendary eccentric who served as President of the South African Republic, resisted. War seemed inevitable. It was the Boers who initiated it on October 11, 1899.

It was a horrible war. Heavy casualties were suffered on all sides. Its most appalling character was the number of civilians who became the victims of violence and starvation. Of the at least 25,000 Boers who died, most were women and children who had been forcibly removed from their homesteads and placed in British concentration camps. Twelve thousand Africans lost their lives as well, and the British colonial forces lost more than twenty-two thousand.⁶⁰ In *The Mind of South Africa*, Allister Sparks describes the causes and the outcomes of the conflict:

The Boer War of 1899-1902 and Lord Milner's reconstruction programme represented an attempt by Britain to destroy Afrikaner nationalism in its nascent state. And after the Peace of Vereeniging in 1902 it seemed to have succeeded. The Boer republics were defeated, the land was reduced to desolation, and the egregious Milner, Britain's viceroy in the conquered land was setting up his elite corps of bright young Balliol blues - his "kindergarten," it was dubbed - to restructure the old republics on British lines and Anglicize the new generation of Afrikaners in the schools.

But the victory was an illusion. Though the war had smashed the Afrikaner world, it had left its mind and will intact, indeed strengthened. Like the American Southerners and other proud people who have fought and lost defensive wars, the Afrikaners were

^{xx} The Transvaal covered much of central and northern South Africa, beginning south of Johannesburg and extending to the Limpopo River, which now demarcates part of the Zimbabwe-South Africa border.

enormously strengthened in their national pride in the knowledge that they had fought against the odds and given a good account of themselves, yielding in the end only to irresistible force. An army of backward farmers had measured themselves against the world's mightiest military power and emerged with the knowledge that they were as good and better. Out of the war came new heroes to worship, new martyrs to mourn, new grievances to nurture. As Dunbar Moodie has noted, it was another national epic of suffering and death, and it has been woven together with the Great Trek into the sacred history of the Afrikaner *volk*, the basis of their apocalyptic vision of themselves as a chosen people with a special mission to fulfill.⁶¹

Only eight years after the war, one of its Boer heroes, General Louis Botha, was President of the Union of South Africa. This new political arrangement had the blessing of the British. It covered more territory than had Paul Kruger's republic - indeed, it extended south to include the Cape and east to include Natal - and it would come to be politically dominated by Afrikaners. This development was to have unfortunate consequences for blacks.

Afrikaner attitudes toward race were hardened by the Boer War. In *The Mind of South Africa* Allister Sparks explains the change. Before the war, Boers were accustomed to master-servant relations with Africans on the farms and in their homes. They could feel pride over being the dominant partner in such relations, and often acted with a certain paternalistic concern for their hirelings. After the war, many returned to find their farms destroyed and their families in economic ruin. Large numbers were forced to abandon the agricultural life and offer their labour in the mines. In new and harsh places, they fell to the bottom of the social ladder, where they were now "on an equal footing with the black person, both members of competing proletariats, and all the Afrikaner had to assert his superiority was his white skin, his racial status symbol."⁶²

This mix of political ascension and social descent did not dispose Afrikaners toward liberalism when it came to the rights of Africans. English-speaking South Africans may have been somewhat more progressive in their attitudes toward race, but their business leaders had much to gain by the exploitation of black labour. Neither of the two parties that controlled the South African parliament in the early decades of the twentieth century chose to champion black rights.

The differences in outlook between the South African and Unionist parties, which dominated Parliament, were not marked where 'native policy' was concerned. Both disapproved of racial miscegenation; both regarded the idea of a black political majority as unthinkable, though the Unionists may have been less antagonistic to the retention of the Cape non-white franchise than the S.A.P.; both desired to see the restriction of African land ownership to the Reserves, and both wished to see African urban immigrants segregated in locations. In their various ways - some as farmers, some as mine-owners or industrialists - S.A.P. and Unionist politicians were anxious to safeguard their supplies of black labour. If this meant deliberately depressing wage rates, or preventing the growth of labour's bargaining power, or playing off white against black workers, or keeping land for Africans in short supply to force men on to the farms or down the mines, the power balance arrived at in the South Africa Act made it possible to do these things.⁶³

Most of the elements of apartheid are here in nascent form. Over the course of the century, they would grow more rigid and more oppressive, and the governments that were to implement them would grow more radical in their willingness to use violence. Economic interests were certainly part of the motivation for this expansion of segregation and exploitation, but they cannot account for the breadth and depth of the program of "apart-ness" that developed. Later in the century, the National Party government and the majority of whites who supported it were willing to suffer painful economic costs to maintain the policy. Something else was at play. It was mythological; it was religious; it was deeply embedded in the narratives that Afrikaners used to tell themselves who they were. I call it the "myth of apartheid."

It is, of course, impossible to trace all the inceptive elements that combined to produce the myth of apartheid. Much debate has taken place on this subject. What follows here is one account in which I borrow heavily from the model of one scholar, Louis Rousseau, and the research of another, Irving Hexam.

According to Rousseau, when a society has fallen into a deep crisis of the kind the Boers experienced at the end of the Anglo-Boer war, there are two possible outcomes. One is the sociocultural unraveling of the nation. The other is large-scale renewal. Borrowing from A.F.C. Wallace's work on revitalization movements, Rousseau outlines a multiphase model of cultural renewal.⁶⁴ The first phase involves the reformulation of the symbol systems that inform the society. This includes the work of imaginative memory: an articulation of a golden era in the past that takes significant liberty with the facts of history. The second phase is the communication and organization of the new symbolic code. The third phase is the adaptation of the new code such that society and its institutions are transformed by it. The fourth and final phase is the stabilization of society in the wake of the cultural and institutional changes.⁶⁵

As with the context that Rousseau was studying,^{XXI} the church was central to the process of cultural renewal in Afrikaner society. The Dutch Reformed Church^{XXII} not only

^{XXI}Rousseau is a Quebec historian particularly interested in the renewal of Quebec society after the failed rebellions of 1837 and 1838. According to Rousseau, Quebec had reached a sociocultural dead end at this time. The old symbol systems that has informed the nation were seriously eroded and the patriotic urge given expression in the rebellions had failed to generate a new consensus. Surprisingly, Quebec did not slip into a period of decline, but experienced a rapid process of change and cultural renewal. At the heart of this renewal was a reassertion of Roman Catholicism. Some scholars have described this reassertion as a canny move on the part of clerics to fill a sociopolitical void by expanding the institutional power of the church, and it is true that the church's influence in spheres such as health, education, and even politics did increase significantly, but Rousseau rejects this account. Rather, he argues that there was a religious awakening (French: "réveil"), which was a spontaneous expression of the real cultural and spiritual needs of Quebecers.

legitimated the portrayal of Africans as inferior beings, it generated a religious vision of the Afrikaner people as a race apart, and later played a key role in the development and implementation of the National Party's all-encompassing program of apartheid.

Rousseau's model offers us an opportunity to explore the human dynamics behind the development of the myth of apartheid within Afrikaner society. This liberates us from simply describing this society, and its religion, as being in the grasp of evil - and thereby gaining no insight into the human needs and motivations that gave birth to inhuman beliefs and practices. It cannot be denied that the Dutch Reformed Churches and the religious myths of the Afrikaners were intimately connected to systems of blatant oppression, but this does not preclude a connection between Afrikaner religion and genuine psychic needs of Afrikaners.

Over the course of the seventy years preceding the Anglo-Boer War, the Afrikaners had spread into new lands, fought epic battles against such peoples as the Zulu and the Ndebele, and survived many hardships in territory strange to them. During these decades, they had developed a sense of destiny and had come to understand themselves not only as a distinct people, but one chosen by God to fulfill a mission as the 'white tribe of Africa'. The Boer War and its aftermath catalyzed a collective identity crisis for the Afrikaner people for a number of reasons. First, they lost the war – a fate many of them had not considered possible in light of their "divinely ordained destiny." Second, during the second phase of the war, when the British had captured their towns and cities and the Boers had turned to guerrilla tactics, the colonial army implemented a scorched earth

^{XXII} The term "Dutch Reformed Church" is sometimes used to represent only one denomination, the Nederduitse Gereformeerde Kerk, but I use it here to refer to all churches that find their roots in the Reformed Churches of the Netherlands.

policy and herded many thousands of Afrikaners into concentration camps. As many as 18,000 perished. Third, the British were following a post-war policy of "anglicization." This involved the establishment of English-language schools for Boer children, the takeover of pre-existing schools, and attempts to bring the Dutch Reformed Churches under the influence of the state. Fourth, the economy of the former Boer republics was in disarray after the war. Fifth, in the wake of the defeat, many Afrikaners seemed to lose faith in their Reformed Christianity. Their loyalty to their churches and their obedience to the strict moral code advocated by their religion were weakening.⁶⁶

Despite the enormous strain, Afrikaner society did not fall apart. Its members launched a process of dynamic cultural and institutional revitalization. Pivotal to this process was the formulation of a symbol system that was perceived by its creators as a return to the values of their forbears. Over the coming decades, a renewed myth of Afrikaner destiny would be articulated and embodied in a theological system, an educational network, and a political program. This myth would spread from a sub-culture within Afrikaner society to be embraced by that society at large (with significant islands of resistance), would inform Afrikaner politicians as they came to control the new country of South Africa, and would become encoded in the infamous policy of apartheid.

The birthplace of this revitalization and the locus of the religious awakening at its centre was the Afrikaner subculture of the Doppers, a distinct group within Boer society known for their Calvinist piety, their moral conservatism, and their distinct dress. The Doppers were particularly sensitive to the encroachment of liberal enlightenment values and attitudes into Afrikaner society. Thus, the moral and religious deterioration of the post-

war period, the somewhat successful British policy of anglicization, and the dissonance of the British victory were felt even more intensely in the Dopper community than in Afrikaner society at large. The response of the religious and intellectual leaders of the community was to weave a new myth of the Afrikaner people, and it was through participation in this myth that the Dopper community launched its "réveil."

The formative elements of the myth were the great suffering of the people at the hands of the British, the continued validity of belief in a divinely ordained mission for the Afrikaners despite their humiliation, a return to Calvinism as articulated by the Synod of Dort, the ever-present threat of chaos for a people wedged between the "disorderly" Black Africans and the British Empire, and the necessity for Afrikaners to be a separate people, as the Doppers had been for decades.

The man most responsible for this myth was Totuis – a theologian, minister, linguist, and above all a poet. His long narrative poems mourned and memorialized the Boers, especially the women, who had suffered and died during the war. They also described the building of a new life out of the ashes of grief. Like an Old Testament prophet, he interpreted the trials of his people in terms of God's providence and the need for the Boers to be refined in the fire of suffering. In the same poems, he crafted a national identity and a political intent. Remembrance extended back beyond the war to the Great Trek and the battles against the Africans. Hope reached to a future era when the elect of God would guide their own destiny, free of the British and separated from the Africans. His poems spoke to a fractured people, but projected into the past a vision of a unified Afrikaner nation. Of course, his readers were called to 'rebuild' this nation.⁶⁷

Other writers, such as Totuis' brother-in-law Willem Postma, participated in the myth-making, as did preachers and educators. The new myth was given a fertile and protected environment in which to incubate because of the segregated nature and Calvinist piety of Dopper community. Members of the community found comfort for their collective grief and were reassured of their special identity. The writings of Totuis and company became very popular and their themes were given expression in many sermons, teachings, and physical monuments.⁶⁸

Irving Hexam's description of the post-war Dopper community in *The Irony of Apartheid* reveals a powerfully religious people motivated to preserve their heritage and to convince all Afrikaners of the truth of their vision. Working against a backdrop of great destruction, the Doppers rebuilt their churches, established a new educational system, and generated an impressive body of propaganda. They overcame the temptation to despair and used the Afrikaners' tragic defeat as an opportunity to draw their countrymen and women back to God.⁶⁹

The revitalization of the Dopper community unfolded in a manner generally consistent with the stages of Rousseau's model. Early on, there was a formulation of a new symbolic code - the myth of divine selection and apart-ness. There was a period during which this code was communicated to Afrikaners through a large initiative to publish literary, theological, and political works as well as newspapers, journals, and educational tracts. It was during this time that Afrikaans came into its own as a written language.⁷⁰ There was a period of organization, which saw Dopper congregations, under the leadership of

deacons and elders, become social service agencies meeting the needs of communities devastated by the war and the economic crisis, and during which the Doppers established an independent education system to rival the state system controlled by the British and dedicated to anglicization.

There was a period of adaptation and cultural transformation. The beginning of this period can be marked by the formation of the National Party in 1914. Its leader, General J.B.M. Hertzog, was not a Dopper, or even a religious man, but he resonated with their separatist myth and turned to them for a base constituency whose influence outstripped its numbers. In the decades after World War One, the nationalist myth first articulated by the Doppers came to inform and transform all of Afrikaner society. The most important instruments of this transformation were the National Party, the Reformed churches, and the famous Broederbond – an organization that started out as something similar to the Masons, but remade itself into a secret network of Afrikaner men with great influence in religion, education, politics, and government. Finally, in 1948, when the National Party began a period of more than forty years of uninterrupted power, the Dopper myth of Afrikaner separation and destiny was codified in the policy of apartheid. This became a normative and institutionalized way of life in South Africa. For a time, a relatively stable state of affairs was achieved, but the dark side of the myth was brutal oppression and injustice for the majority of South Africans. New crises inevitably arose and the stable state disintegrated.^{XXIII}

^{XXIII} There are limits, of course, to the transferability of Rousseau's model to the South African context. The phases of symbolic reformulation, communication, and organization appear to have been more conflated in Afrikaner society than in Québec, perhaps because of the urgency of the post-war situation. The stable state achieved in South Africa was more brief and precarious than the one in Québec after 1870. But the general contours of the model hold up, and Hexham is convincing in his description of an awakening that was first experienced in religious terms, was at the heart of a larger cultural and social

This account of the formulation of the myth of apartheid and its evolution into a political program has multiple implications, some comforting, some disturbing. It allows for a broad - even empathetic - reading of the motivations that led Afrikaners to construe and implement such a brutal system of segregation and social control. In the reading of these motivations, Afrikaners can be "re-humanized" for those of us whose knowledge of the Afrikaner people has been dominated by our perception of them as oppressors.^{xxiv} Such a re-humanization can be encouraging, but immediately on its heels comes the realization that vital symbol systems generated in contexts of rending are inherently dangerous – and there are so many instances of rending in our world today. Yes, those who generated the myth of Apartheid were responding to the real needs of their people. Yes, they were instrumental in sparking a cultural vitality that may have averted a social collapse, but in so doing, they gave birth to what became one of the most ugly and lethal ideologies of the twentieth century. This is even more disturbing when we consider that, unlike some of the National Party politicians who crafted apartheid into a political program decades later, Totius and the other authors of the myth of apartheid were probably not predatory and opportunistic individuals.

Such an observation must give pause to any of us who create art, academic literature, religious texts, or other offerings intended to help people come to terms with contexts of strife however large or small. These reflections are particularly relevant to the fifth act in

revitalization, and was channeled through initiatives of communication, organization and implementation. As an aside, Hexam does not make reference to Rousseau's model, but it is fascinating to see the extent to which his historical account resonates with it.

^{xxiv} It is important to point out that not all Afrikaners supported Apartheid. Some actively resisted it and themselves became victims of social isolation and even political violence. It is equally true that many of the people who supported and benefited from apartheid were from other social and ethnic groups.

my drama of political forgiveness. South Africa is again today in a post-rending situation. Artists, religious leaders, and scholars are struggling to formulate symbols and symbol systems that will help the country launch a new period of revitalization. All constituencies within South African society are labouring to produce new or revised narratives that construct their identities - and the identities of other groups. It is this time of formulating new symbolic codes that will determine whether the country's alienated communities can begin to move toward forgiveness and reconciliation, or whether the alienation will become entrenched.

1900 to 1948: The Consolidation of Segregation and Exploitation

Perhaps the most effective way to preclude the development of trust between groups of people is to prevent regular social contact between them. During the first nine decades of the twentieth century, all levels of government in South Africa, now totally dominated by whites, were concerned to do exactly this. There was a concerted and progressively thorough attempt to restrict African contact with whites to situations in which the Africans were providing service or labour. To a lesser but still significant extent, the same goals were pursued in relation to people of mixed race and to Indians. Residential segregation began in towns dominated by merchant and commercial interests. Sparked by the outbreak of bubonic plague and fears of social unrest in the first decade of the century, Cape Town, Port Elizabeth, Durban and other cities moved Africans into 'Native Areas'. For Durban, this separation was new only in its application to Africans. Indians had been restricted to specified living areas since the nineteenth hundreds.⁷¹ Africans were not forced to live in specific areas; their very presence in all other areas

was restricted. This was not a new development. "Pass Laws" had existed intermittently in South Africa since the first such law, which stated that slaves moving between rural and urban areas had to carry passes from their masters, was introduced in the original Cape colony. In the nineteenth century, passes for Africans were legislated in Cape Town, Natal, the Transvaal, the Orange Free State, and other areas. What was new, was the incorporation of such statutes into a national policy of segregation. This policy began to be developed at the time of the South African Native Affairs Commission (1903-1905). During the 1930s and 1940s attempts were made to tighten up the laws, and in the 1950s they were integrated into a single administrative system.⁷²

Even more striking was the separation of races in agricultural areas. Both commercial and poor white farmers were competing with African peasants for land to cultivate, and mining interests in pursuit of cheap labour were pressuring the government to loosen the Africans' ties to the land. These combined interests were successful in their lobbying, and in 1913 the Natives Land Act was passed. It prohibited the purchase or lease of land by Africans except in specified reserves that were far removed from the commercial centers of agriculture. Even though Africans represented the majority of the population, they were given only seven percent of the land. In 1936 the amount of designated land would increase, but only to fourteen percent. These areas would become the basis for the semi-autonomous homelands in the National Party era. The long-term impact of the act was enormous. It took away the means by which many African farmers had resisted being co-opted into the migrant labour system.

In the early part of the century, with increasing industrial development and a progressively commercial agricultural sector, “capitalist and capitalizing sectors of the economy” were gaining more and more power. Rural and urban, black and white workers were attempting to resist what Nigel Worden calls “the full impact of proletarianization.” Unfortunately for all labourers, most of the trade unions and labour organizations that developed were split along racial lines.

This was true in the important mining sector. White workers fought to maintain their positions against migrant black workers who were available for a cheaper wage. At the turn of the century white workers were performing the more skilled tasks and blacks the unskilled. As blacks acquired more expertise, however, the mining companies moved to employ them in positions formerly reserved for whites, but at lower wages.

Afrikaner workers went on strike in 1907 and again in 1913, demanding an end to “deskilling” and the recognition of their trade unions. In 1914 there was a general strike against the use of black labour, which began first in the railways and spread to the mines. Racial lines were being dug deep. The Labour Party and the Communist Party both supported the whites, the latter combining racism with the international labour slogans; members marched with signs saying, “Workers of the world unite and fight for a White South Africa.”^{XXV}

An important opportunity for solidarity between Afrikaner and black workers was missed at this point. Historically, the South African economy, including the mining sector with

its giant Anglo-American Corporation, was disproportionately controlled by English-speaking South Africans. There were many poor Afrikaners and they provided a relatively cheap source of labour - although certainly not as cheap as African labour. These two sets of workers had a common interest in forcing English capitalists to improve working conditions and pay better wages. However, relations between these two groups of people were shaped by a two hundred and fifty year history of mutual alienation and antagonism. For the Afrikaner workers to see Africans as their potential allies would have taken an enormous shift of perspective.^{XXVI}

Seeing the success of white unions in the 1910s, African labour became more militant - not just in the mines, but in a variety of sectors including urban sanitation. Umbrella organizations like the Transvaal Native Congress became involved. This association was typical of social organizations within the African communities; it championed a variety of causes at the same time. Such bodies would become progressively important as the century wore on. Some of them, like the Wellington movement, which found strong support in the Transkei and other areas in the late 1920s, were influenced by the ideas of Marcus Garvey and his United Negro Improvement Association in the United States.

In the wake of the industrial action in the 1910s, however, the momentum was with official and unofficial black labour unions. Resistance spread throughout the country,

^{XXV} It should be noted that the Communist Party later changed its stance with regard to race relations. It became a key player in the anti-apartheid movement.

^{XXVI} The Communist Party of South Africa and many union leaders have long argued that Apartheid was as much or more driven by class interests as it was by racial prejudice, and that the wedge between white and black workers left them all more vulnerable to exploitative capitalist interests. The accuracy of the Marxist deconstruction of Apartheid is still a subject of debate. What is clear, is that there were several points during the twentieth century when white and black workers either chose or were forced to abandon joint organization, and that the possibility of forming networks of solidarity which crossed colour lines was not

manifesting in such places as Johannesburg, Cape Town, Bloemfontein, East London, and Port Elizabeth. In 1920, workers from many parts of the country met in Bloemfontein with the aim of forming one great union for African workers south of the Zambezi. This became the Industrial and Commercial Workers' Union (ICU). Eventually the ICU obtained most of its support from the countryside. Rural protest was widespread in the 1920s in response to the passing of the Natives Land Act of 1913 and changes in the nature of agriculture.⁷³

During this time, as African labour was gaining strength, a much more ancient tradition within the Bantu-speaking peoples was suffering the opposite fate. Historically, Africans had constructed identity, outlined value systems, and pursued cosmic meaning within the concentric circles of tribe, clan, and family. According to their worldview, not all of the individuals who participated in communal life were present in bodily form. Ancestors who had long since died were an integral part of the fabric of society. Community life included an elaborate relationship pattern that embodied authority, duty, and role. Closely connected to this were the *unseen* guardians of tribal morality. The living sought their good will by communicating with them and trying to please them. These imperatives, along with many prohibitions designed to prevent individuals from falling under the influence of evil spirits, provided essential components of African religion.⁷⁴ This system was important for continuity of behavior and social integration. The compounded forces of urbanization, the expansion of western culture, and the propagation of Christianity did much to erode this religion and its cohesive force within society. Writing for the

fulfilled. In their place were formed white unions that often generated their own anti-black narratives, and black unions that progressively articulated a white enemy.

Handbook on Race Relations in South Africa (1946), S. M. Mokitimi described the situation in this way:

Under the impact of Western civilization and the numerous and diverse changes it has effected in traditional African life, religious beliefs proper have been greatly weakened. With the disruption of the tribe, the clan, and even the family, the basis for ancestor worship has been largely shattered. In the towns, with their accent on individualism, this tendency is intensified. The acceptance of Christianity has played a large part in weaning Africans from their traditional Bantu religious beliefs. According to the census taken in 1936, one half of the total African population was recorded as professing a Christian faith.⁷⁵

Mokitimi attributed much of the change in "Bantu" life to the impact of the Christian missions. He believed that the missions deeply affected African thought and practice. One of the reasons for this was their gaining of control over much of "Bantu Education."⁷⁶

The march of Christianity continued to erode traditional African religion, and its cohesive force within society, well into the second half of the twentieth century. But Churches were also a source of social solidarity for Africans. By the end of the nineteenth century the church had become a forum for the assertion of African self-leadership. African Independent Churches established themselves as early as 1884.^{xxvii} In 1896 some of these churches affiliated with the African Methodist Episcopal Church, an American denomination. By 1898 the movement could claim seventy-three congregations and 10,000 members.⁷⁷ Mokitimi attributes the growth of these churches to their being the only place for African independence and self-expression without interference. They

^{xxvii} African Independent Churches combine elements of Christian belief and worship with elements of traditional African belief and practice. See Hennie Pretorius and Lizo Jafta. "A Branch Springs Out: African Initiated Churches" in Richard Elphick and Rodney Davenport, eds., *Christianity in South Africa: A Political, Social, and Cultural History* (Berkeley: University of California Press, 1997). See also Jim Kiernan, "The African Independent Churches" in Martin Prozesky and John de Gruchy eds., *Living Faiths in South Africa* (Cape Town and Johannesburg: David Philip, 1995).

provided a forum for the ambitions of would be African leaders. Ironically, one of the factors that led Africans to abandon the churches founded by whites, was European denominationalism, but the new bodies were also extremely vulnerable to sectarian splits. Between 1918 and 1946 the number of separatist denominations or splinter groups increased from 76 to 800. This development did much to impede their role as a cohesive force in the black community.⁷⁸

Davenport identifies one fault line for division between these churches, although he admits that the line was often difficult to see. One group, which have been labeled as "Zionist", were revivalist, and very focused on the spiritual realm of good and evil forces. Those on the other side of the divide were more political in character. They have been called "Ethiopian." Turning to a critique of the sociopolitical circumstance of Africans in South Africa, they helped to identify political objectives for their people. A loose association was formed in the 1890s when they were influenced by a radical British missionary named Joseph Booth, who visited the Cape and Natal, and published a pamphlet entitled *Africa for the African*. There was some Ethiopian involvement in the Zulu rebellion of 1906, and church members came to play a key role in secular political organizations such as the Native Vigilance Association in the Orange River Colony.⁷⁹

Many Africans continued to belong to Dutch Reform, Anglican, and other denominations brought to South Africa by whites. In the vast majority of cases, however, they belonged to congregations or kerks set aside for them. The same is true of people of mixed race. Where there was contact in the churches between blacks and whites, it almost always involved the instruction or guidance of the former by the latter.

Such relationships were predominant in the secular world as well. The daily reality was power relations that were vertical in the extreme. Many pieces of legislation designed society to be thus. Take for example the 1926 legislation with the revealing title: "The Master and Servant Amendment Act." This bill gave white land owners extensive legal powers over their black tenants. Another example is the Native Service Contract Act of 1932, which forced African farm tenants to work for their landlords between three and six months of the year, and denied them the right to leave the farm without written permission from the landowner.⁸⁰ At the time, landowner-tenant relations probably accounted for the majority of interactions between Africans and whites. Similar relations were entrenched in the industrial sector, with legislation that denied migrant workers the right of collective bargaining (1924).

The whole economy of South Africa was based upon the collaboration of members of the different races. Under different circumstances, this would have provided many opportunities for the growth of fellowship, perhaps even solidarity, but collaboration in South Africa could rarely be characterized as cooperation, in as much as cooperation requires the various parties to enter into the situation as free and uncoerced participants. From the beginning, government and business colluded to deny non-whites such freedom of choice.

What about cooperation in other areas of life? In his 1946 study, "Inter-Racial Co-Operation" Quintin Whyte looked at this question. He was able to find many examples of joint effort toward common goals in the areas of race relations, education, health and

social welfare, labour, and social and cultural purposes. Few of these efforts embodied equality of status or power, however.⁸¹ He comments on the situation as a whole:

The degree to which co-operation has been achieved in South Africa has been conditioned by a number of factors: the determination of the white minority to maintain its domination over the black majority; the history of conflict between the races; the backwardness and illiteracy of the vast mass of Non-Europeans; European insistence on segregation, which has been carried over into an industrial society from the days when governments tried to keep the races apart by the fixation of boundaries; the lack of contact except in the master-servant, employer-employee relationship; the social habits and religious convictions of the greater part of the European population which deny Non-European potentialities - these and many more have made difficult any true co-operation and joint activity between black and white.⁸²

In 1946, just two years before the National Party was elected and began to implement its program of apartheid, I. D. MacCrone was able to see where race relations were headed. MacCrone quotes the American social scientist A. Kardiner: "*A society controlled predominantly by suppressive techniques is bound to be anxiety ridden and filled with mutual hostility and distrust.*" He then summarizes his own predictive analysis of the impact of this distrust:

In (our analysis of the attitudes of the dominating white group) we have tried to show how those attitudes constitute the underlying psychological reality which determines the relations - social, political, economic -between the white and black groups in our kind of society. We have also tried to show that those attitudes, unless they undergo considerable modification 'by alterations within the individual', are likely to lead to the development of a crisis-situation in such a society controlled predominantly by 'suppressive techniques', that is techniques of domination.⁸³

Looking back from our standpoint in history, we are able to see just how big a crisis was to follow.

1948 - 1994: The Apartheid Era

Racial segregation, which had always been present in South Africa, and which had been entrenched in various pieces of legislation during the first half of the twentieth century, reached a new level after the election of the National Party in 1948. This party, which held uninterrupted power until 1994, and which was led by men who sympathized with Hitler's National Socialism, embarked on a program of social engineering that was remarkable in its boldness, its scope, and the violence with which it was implemented. The ideology that fueled this program certainly included a potent element of white supremacy, but it was also marked by an oft-voiced belief that all races would best flourish if they were left to evolve unfettered by each other. The ideology, and the program, were given the name "apartheid." When that label became infamous, it was replaced by the more banal "separate development." But the entire economy that made white South Africans the richest people on the continent was based on integrated development, all be it a form of integration that was exploitative in the extreme. This left the architects of apartheid with the confounding task of designing a society, or cluster of societies, in which whites and blacks followed distinct paths of social-cultural-economic development, but which kept blacks from full independence and self-reliance. A measure of dependence was needed to maintain the great pool of cheap labour. Despite Herculean efforts, they were ultimately unsuccessful.

Before the 1948 election, South African society had actually been showing a trend toward racial integration. The new government moved swiftly to reverse this. Legislation was drawn up to establish distinct biological categories of human beings - African, Coloured

(mixed race), Asian, white - and to make it illegal for members of different categories to live in the same neighbourhoods, to marry each other, or to have sex. The bureaucracy put in place to provide a racial designation for people whose "identity" was in dispute performed such absurd practices as measuring their hips and lips and sticking a pencil in their hair to see if it would be held. These labeling procedures had dire consequences for mixed race families, which often saw their members earmarked to different groupings. A kind of racial Berlin Wall was being erected.

Other walls were torn down. Certain urban and suburban neighbourhoods, long populated by blacks, were now designated for whites. The forced removals from Sophiatown (Johannesburg) and District Six (Cape Town) are legendary. In the latter case, an ethnically diverse body of people, which had developed a very strong sense of community and a cultural vibrancy, disproving many of apartheid's assumptions, was broken up and dispersed into new townships far from the city. Save for a few places of worship, the entire borough was leveled.

Blacks suffered further political disenfranchisement. Africans had already been limited to electing a small number of white representatives to speak for them in Parliament. This "privilege" was stripped away. Mixed race persons in the Cape had previously maintained the right to vote. This was lost.

The professional and entrepreneurial activities of non-whites were also closely regulated. Blacks were subjected to limitations in terms of the kinds and sizes of businesses they could own, and the areas where those enterprises could be located. Restrictions were also

put in place regarding the numbers of blacks who could enter certain professions and the population to which they could offer their services.

Perhaps the most dramatic apartheid policy was the development of semi-autonomous homelands. The pieces of South African territory set aside for various African groups in the 1913 Native Land Act - seven percent of the national land mass, later expanded to fourteen percent - were granted a measure of independence. The idea was for Africans, a clear majority of the population, to pursue their separate future on this fraction of the land, while whites forged theirs on the rest. African independence did not come without the South African government maintaining a measure of control, or without Pretoria reworking the structures of governance in the homelands. A system of patronage was put in place that kept the leaders of the homelands in the pockets of the National Party government, guaranteeing for Pretoria enduring influence.

Despite commissions and studies appointed to prove the contrary, the homelands were not economically viable. Natural resources were too scarce. They located too far from commercial centers. It was inevitable that large numbers of African men would depart to work in the mines or other industries that thrived on cheap migrant labour, and that an equally significant number of women would leave to perform domestic service for whites. These migrants became totally dependent upon and vulnerable to their employers, who signed the passes that gave Africans permission to reside and travel outside of the group areas. Persons caught without a pass were routinely deported to one of the homelands. This kind of leverage enabled many whites to exploit and abuse with impunity Africans in their employ.

Africans, Asians, and people of mixed race responded to the National Party initiatives with protest and civil disobedience. By December 1949, the African National Congress had approved a program of black resistance that urged the use of boycotts, strikes, and non-cooperation, and which demanded African self-determination and freedom from white domination.^{xxviii} Other organizations, including the South African Indian Congress, joined the resistance program. Protest intensified in 1952, the 300-year anniversary of Jan van Riebeeck's arrival at the Cape. There was an attempt to throw the "administration of the law into confusion by Gandhian methods."⁸⁴ Protests focused on the removal of legislation related to pass laws, livestock limitation, Bantu Authorities, Group Areas, the separate representation of voters, and the suppression of communism. This last issue was becoming increasingly important. The Communist Party was gaining increasing support, and was becoming particularly influential among black leaders and their organizations. In response, the government passed the Suppression of Communism Act (1950), which gave it broad powers to ban organizations and to prohibit specific individuals from taking part in other organizations. These powers were used to curb black political organizations and to break multi-racial trade unions.⁸⁵

Despite efforts earlier in the century, some such unions had endured into the 1950s; sixteen of them had formed the South African Federation of Trade Unions. The communist movement had abandoned its segregationist philosophy and now supported integrated unions. Ironically, the involvement of communists served as a pretext for the government to move against these organizations. All unions were compelled to segregate

their membership in 1957.

An important side effect of labour struggles during this time was the dispelling of mutual suspicion between communists and African nationalists. Both sides fought against unjust legislation in concerted protests such as the May Day strike in 1950. The white government was providing black nationalists and communists with occasions for interactions that embodied cooperative effort and the articulation of a common enemy. The trust and networking which grew out of these interactions were formative for the ANC in the years to come.

Indeed, liberation organizations and African labour unions became so closely linked that the line between industrial action and political protest started to disappear. Reinforcing this conflation was the growing perception among black workers that the white bosses who made their lives difficult on the shopfloor and the white politicians and policemen who made their lives difficult everywhere else were essentially the same people.

During the sixties, seventies, and eighties, South Africa underwent impressive industrial expansion, which led to a shortage of white workers in the sectors that had been reserved for them. Even the white unions had to agree to an expanded role for blacks. Emboldened by their new value, the African workers organized into many official and unofficial unions, the latter often being more radical and sometimes more effective, and carried out a large number of work actions and strikes oriented toward the improvement of wages and conditions. Although strikes were frequently met with threats of dismissal or

^{xxviii} The ANC had been formed four decades earlier by African leaders in response to the formation of the

violence, many of the threats being made good, no small number were successful in obtaining at least some of their demands. By the end of the 1970s the African labour movement had forced the government to recognize its right to collective bargaining.⁸⁶

Meanwhile, black political resistance moved through a series of cycles in which it heated up and then cooled off. As time passed, the "hot times" became more intense and lasted longer, and the cooler periods started to disappear.

In the 1960s another campaign of passive resistance was launched, this time with a particular focus on the hated pass laws. The most tragic episode of that time was the massacre of sixty-nine non-violent protesters in the township of Sharpeville near Johannesburg. After the massacre, positions on both sides hardened. The government banned the ANC (and the Pan-Africanist Congress), which then turned to guerrilla tactics. Actually, the ANC waited until 1961 to launch its military wing, Umkhonto we Sizwe (MK, "Spear of the Nation). This decision was taken after Nelson Mandela wrote to Prime Minister Hendrik Verwoerd, probably the most important designer of apartheid policy, requesting a meeting. When Verwoerd failed to reply to the letter, the ANC leadership decided that it was time to try new tactics. Three years later, Mandela and several other senior ANC officials would be given life sentences for their roles in sabotage operations. These figures, especially Mandela, became the focal point of anti-apartheid sentiment in South Africa and abroad.⁸⁷

For more than a decade after the Sharpeville-era protests, "law and order" prevailed in South Africa. This stability was an important factor in the attraction of foreign investment to the country, and the economy grew steadily. In 1976 things changed. Student demonstrations broke out in Soweto against the imposition of Afrikaans as the language of instruction. A number of schoolchildren, some of them quite young, were killed when the police opened fire. Protests erupted around the country and lasted for more than a year. More than six hundred people died. Spasms of protest continued to break out until 1980. There were three or four years of relative quiet in the early eighties, but in September of 1984 youth again sparked a wave of defiance. Through the second half of the eighties, President P. W. Botha's government was forced to deal with a constant state of emergency as youth-led protests continually erupted around the country and organizations such as the United Democratic Front and the PAC expanded their networks and their operations.^{XXIX 88}

During the eighties, clear divisions within the collection of liberation organizations began to appear. These were marked by philosophical differences and by conflicts between groups such as the UDF-ANC and the Inkatha Freedom Party.^{XXX}

One of the philosophical fault lines separated the ANC from the Pan-Africanist Congress (PAC). The PAC had been formed in 1959 when, upset with the influence of communists and frustrated that more radical action was not being taken, a group of "Africanists" left

^{XXIX} South Africa had by the mid-eighties moved to a presidential form of governance. The United Democratic Front (UDF) was an umbrella organization of anti-apartheid groups with close ties to the ANC.
^{XXX} The Inkatha Freedom Party (IFP) is an organization made up almost entirely of Zulus. Before the 1994 election (as today), its constituency was located in Natal and the Zulu homelands (now KwaZulu-Natal). It's organization extended to other areas where Zulu workers had migrated, especially the mines near Johannesburg.

the ANC to form their own organization. Leaders among the Africanists were oriented toward an African cultural renaissance and held that "Africa is for the Africans." A perspective pointedly different from the communist one, which attributed South Africa's racial injustice to class conflict. During the sixties and seventies, the ANC and the PAC had each established military wings, in-country cell groups, and international headquarters. At times they tried to cooperate, but their differences always prevailed.⁸⁹ By the late eighties and early nineties, these differences were plainly manifest in the actions of their military wings. ANC and MK operatives certainly committed human rights violations against South African citizens, black and white, but the philosophy that guided their actions identified racism, not whites as the enemy. ANC policy was to attack military and infrastructure targets and to minimize civilian casualties.^{xxxI} By the final years of National Party reign, the PAC had progressed to a "one settler, one bullet" policy, and its guerrilla organizations were committing commando attacks against civilian targets like churches and taverns.

The Black Consciousness movement, of which Steve Biko was the most important figure, contributed to the philosophical debate by challenging blacks of all constituencies (Indians and mixed race people included) to free their minds from the brainwashing of

^{xxxI} The actions of some ANC/MK operatives or cells clearly contradicted this philosophy. According to Davenport (pp. 427-8), ANC violence passed through three phases between the late seventies and the end of the eighties. In the late seventies, it went through a period of establishing cells and setting up arms caches. This was followed by a period of attacks on infrastructural targets like oil refineries and power stations and on security force targets. As this phase of operations progressed, the ANC became less careful to avoid civilian casualties. A car bomb outside Air Force Headquarters in Pretoria killed 19 people and injured 200. By 1989, the ANC had reduced its sabotage operations and was focusing on mass action organized by movements like the UDF.

The ANC has also been criticized for its creation of paramilitary bands called "Self-Defence Units" in response to the ANC-IFP violence. The TRC has accused the SDUs of contributing to the spiral of violence that engulfed South Africa during the early nineties. See Anthony Sampson *Mandela: The Authorised Biography* (London: HarperCollinsPublishers, 1999), 436-9.

their white oppressors. The movement was launched in the early seventies in an effort to "rebuild and recondition the mind of the oppressed in such a way that they would be ready forcefully to demand what was rightfully theirs'."⁹⁰ This movement had far reaching influence among blacks, and also impressed some whites who were disillusioned with their country's politics of race. Biko was beaten to death in prison and became one of the internationally known martyrs of the anti-apartheid movement. The rift between the PAC and the ANC was of small consequence compared to the conflict between the ANC and the Inkatha Freedom Party. The IFP was led by a Zulu prince named Mangosuthu Buthelezi. Buthelezi had formed ties to Nelson Mandela and other ANC figures during his student days, and had been expelled from Fort Hare University because of his involvement in an ANC Youth League demonstration. Later, through clever political moves, he had become chief minister of the Zulu homeland called KwaZulu. ANC leaders supported his acceptance of this position and hoped that he would aid their movement. Relations between Buthelezi and the ANC deteriorated, however, and he turned the IFP into a Zulu ethno-nationalist party opposed to the ANC. Buthelezi became an important national figure in the mid-seventies, bringing the heads of the various homelands together, along with Indian and mixed race leaders, to resist the territorial disintegration of South Africa planned by the National Party.⁹¹

Through the seventies and eighties, Buthelezi tried to play the dual cards of Zulu nationalism and political realism. Despite continued opposition to apartheid, Inkatha began to collaborate with the security apparatus of the South African government. Confrontations between IFP supporters and those of the UDF escalated in townships near Durban and Pietermaritzburg, the two large urban centers in what is now KwaZulu-Natal.

By the late eighties, the conflict had intensified almost to the level of a civil war. Horrible massacres became common. Years later, the TRC was able to reveal the extent to which apartheid security forces provided resources and tactical support to Inkatha operatives during this strife.⁹²

During the fifties, sixties, seventies, and eighties, South African churches responded to apartheid and its conflicts in a variety of ways. The Nederduitse Gereformeerde Kerk (NGK), the largest Dutch Reform denomination, actively supported separate development and preached biblical justification of apartheid. It was not until 1986 that divine sanction for apartheid was officially questioned by the denomination. Even as late as the mid-nineties, in its documents submitted to the TRC, the NGK made a distinction between "good apartheid" and "bad apartheid," and argued that they had supported a form applied with justice. A number of other denominations followed the example of the NGK in terms of the overt support of apartheid, the Apostolic Faith Mission, and important charismatic church, being a prominent example.⁹³

Most of the major denominations that did not openly support apartheid contributed to it in significant, if passive, ways. First, their congregations conformed to the separation of the races being imposed by the national government; whites and blacks were worshipping in different buildings. Sometimes this happened by design; separate branches of Methodism or Presbyterianism, for example, were formed when blacks broke away from the mother denominations or when they were forced to leave.^{XXXII} Elsewhere, the separation was not imposed, but was a predictable result of residential segregation and interracial tension.

Second, the majority of white preachers failed to clearly speak out against the policies of the National Party government. Given the norms and values supposedly espoused by these Christian leaders, such silence was confounding. It also reinforced the perspective that race relations in South Africa were not abnormal. Many black churches and preachers were equally guilty of passive support of apartheid. No small number of mainline, evangelical, and charismatic black congregations taught their members to avoid trouble by being apolitical, and criticized members of the community who became agitators.⁹⁴

Even as early as the sixties, a few denominations and church organizations did speak out against racial injustice. Some of the breakaway black churches, including some of the African Independent Churches, articulated a sustained critique of government policy and economic exploitation. Later, they were joined by leaders within mainline churches.

In 1964, Rev. Seth Mokitimi became the first black to lead a mainline denomination when he was made President of the Methodist Conference. The South African Council of Churches (SACC) and the Christian Institute, led by an Afrikaner and Dutch Reformed minister named Beyers Naude, became centers of anti-apartheid activity. In 1969 they together launched the Study Project on Christianity in Apartheid Society. The SACC later became an important player in the movement for international economic sanctions against South Africa.⁹⁵

^{xxxii} When the National Party was elected in 1948 religious separation of the races became policy and then law.

Between the sixties and the early nineties, things changed and did not change. Most white Christians continued to worship in isolation from blacks, and very few of the sermons they heard tackled racial injustice head on, but the leadership of Anglican, Presbyterian, Congregationalist, Methodist, and Catholic denominations became more publicly opposed to apartheid. Black clerics like Desmond Tutu and Alan Boesak rose to senior positions within their denominations and international Christian fraternities. The World Alliance of Reform Churches declared apartheid a heresy, and the World Council of Churches stepped up its anti-apartheid campaign. While Christian leaders were initially willing to endorse only non-violent means of resistance, a form of liberation theology that approved of the use of limited violence to overthrow one of the world's most unjust regimes started to spread. Archbishop Tutu used this development to highlight the need for economic sanctions, saying that if economic means were not employed to topple the oppressors, violence would be seen as the only option left.^{xxxiii}

Black clergy became increasingly important within the anti-apartheid movement. Tutu and Boesak became key speakers at rallies in South Africa and well known personalities abroad. Tutu's receipt of the Nobel Peace Prize and Boesak's election to the Presidency of the World Alliance of Reform Churches in 1982 gave increased international attention to apartheid, and signaled to South African whites and blacks alike that the world was becoming intolerant of their sociopolitical system. Frank Chikane, leader of the black wing of the Apostolic Faith Mission, broke his church's traditionally apolitical stance and

^{xxxiii} While in this chapter I give very little attention to developments outside South Africa, it must be noted that international pressures were crucial to the ending of apartheid. Besides actions taken by church groups like the World Council of Churches and the World Alliance of Reform Churches, the expulsion of South Africa from the British Commonwealth and the exclusion of its teams from athletic competitions like the Olympics were also notable. Particularly important were the implementation of economic sanctions by many countries and bodies like the Commonwealth.

became a central figure in the SACC. The efficacy of that organization's agitation is testified to by the fact that security forces bombed its offices and attempted to assassinate Chikane in separate incidents. He survived to later become an important official in the ANC-led government.

Once again, during the sixties, seventies, and eighties, race relations in the labour and church sectors were broadly representative of the levels of interracial solidarity and alienation in South African society at large. Through the eighties, most black and white labourers continued to work and to organize in isolation from each other. Black workers generally experienced whites as rivals and bosses. Similarly, most black and white Christians continued to worship in separate places. While these experiences predominated, they were balanced by a growing cooperation between progressive white Christians and emboldened black Christians in social action designed to confront apartheid. In a few places, this action took the form of building racially integrated congregations. Rev. Rob Robertson launched and led two such churches: North End Presbyterian Church in East London and St. Antony's United Church (Presbyterian and Congregational) in Johannesburg. The amalgamation of white and black churches to form Central Methodist Mission in the Heart of Cape Town was another prominent example. The SACC also became an important forum for such cooperation. Most of the pew sitters lived their faith as their forbears had decades earlier, but a significant number of their leaders decided to live out a theology of justice and transformation. Not infrequently, this made for tension between congregants and activists. Similarly, in the labour sector, it became more common to find white organizers and academics acting in concert with officials of black unions.

P.W. Botha became Prime Minister of South Africa in 1978 and then President after the constitutional reforms of the mid-eighties. During his tenure, anti-apartheid resistance became stronger on all fronts. He responded by becoming progressively more stubborn in his defense of apartheid. This growing stubbornness was matched by a willingness to employ violence to maintain law and order. By 1989 the country was in a continual state of emergency, the economy was in trouble as a result of international sanctions and other pressures, and members of the National Party caucus and cabinet were advocating negotiations with Nelson Mandela and other black leaders. Botha held a perfunctory meeting with Mandela but backed off sincere negotiations. After Botha suffered a stroke, he was maneuvered out of office and replaced by F.W. de Klerk, a long-time member of the cabinet who had proved himself to be a conservative.

On February 2, 1990, de Klerk opened parliament with a speech that had been rumoured to be reformist. The rumours fell far short of the mark. Sparks explains the importance of the address:

He didn't just change the country, he transmuted it. In those thirty-five minutes De Klerk unleashed forces that within four years would sweep away the old South Africa and establish an altogether new and different country in its place. Another country with another constitution and another flag and another national anthem. And above all, another ethos.

He demolished the old Afrikaner vision of a white South Africa, of a *volkstaat* that was theirs by divine right and without which they could not survive as a national entity, and ensured that in its stead a new black-led South Africa would arise, as alien to traditional Afrikaner thinking as Palestinian majority rule to Israelis.⁹⁶

De Klerk did not intend to open the country to black majority rule. He made this clear in speeches after his dramatic remarks in February 1990. He envisioned a system of power sharing embodied in a House of Representatives elected by universal franchise, a Senate

in which all racial groups would have equal representation (African tribal groups being counted as separate entities), and an all-party "collegiate" cabinet with a presidency that rotated annually among the parties with the most support. By freeing anti-apartheid leaders and unbanning liberation organizations, however, he had unleashed forces that swept away his plans. Black leaders balked at the power-sharing plan and its format of group representation based on racial categorization. Negotiations between the National Party, the ANC, the PAC, the IFP and other groups dragged out until November 1993. Piece by piece, de Klerk gave up his plan for a government that would have kept Afrikaners from being subjected to majority rule. In the end, the parties agreed that the first democratic elections would be followed by the formation of a "Government of National Unity" that included all parties receiving more than five percent of the vote.⁹⁷

The ANC won an overwhelming majority in the 1994 elections. Mandela became President and de Klerk one of his two Vice-Presidents. Part way through the term, the National Party withdrew from the government. The ANC won another large majority in 1999, and was no longer required to keep other parties in cabinet, but some representatives of other parties, including Buthelezi of the IFP, were invited to stay.

The period of transition between de Klerk's famous speech and the elections of 1994 was not a peaceful one. The National Party tried to garner support for its power sharing plan among black organizations that stood to lose ground to the ANC under majority rule. Chief among these was the IFP, which was already in continually violent conflict with ANC supporters. Security police provided extensive support to Inkatha groups and in return asked them to carry out specific missions against ANC or UDF targets. The PAC

was getting muscled to the edges of the negotiations. Their guerrilla organizations stepped up attacks against civilian targets, perhaps in an effort to seize political ground. Afrikaner nationalist groups were formed and turned to terrorist tactics. With peace and democracy within reach, and apartheid in the throws of death, many of the country's worst episodes of bloodshed took place.

It was a surprise then, when the 1994 elections were relatively peaceful and political violence almost disappeared in their wake. As Sparks said, a new country was being born; its transition to relative political peace and stability was swift. But this new country was, of course, unable to make a clean break with the past. Economic apartheid had not been overthrown. Political violence was replaced by criminal violence, much of which arose from the same socioeconomic dynamics that had fostered the political strife. South Africa was still a place of dramatic poverty, both relative and absolute. At the same time, there was great confidence to be gleaned from the defeat of oppression. Huge challenges lay ahead, but also behind. The new country, the "Rainbow Nation" was to be a place of hope as well as struggle.

The New Dispensation

The new country born in April of 1994 is marked by stunning diversity and miserable inequality. Strong regional differences are compounded by racial, ethnic, and class differences within each region. The life of some African farmers living in Venda can be characterized as pre-industrial and tribal.^{xxxiv} This way of life can be contrasted with the cosmopolitan, post-industrial lifestyle of people (mostly white, but increasingly black) in

^{xxxiv} Venda is one of the former homelands in South Africa's North near the border with Zimbabwe.

Cape Town, Johannesburg, Durban, or Pretoria. But residents of Cape Town need not travel to Venda, or any of the other former homelands, to find communities and cultures radically different from their own. A trip of only a few miles to the Cape Flats (a sprawling area of black townships) or to Afrikaner farms in the Stellenbosh area would do the trick. A strong case could be made for the position that these are not sub-groups of one society, but are instead distinct societies themselves. South Africa has eleven official languages. Until the new dispensation, it had ten semi-autonomous homelands.

As recently as ten years ago, an equally strong case could be made for the position that there were two societies in South Africa. One was composed of people who had basic human rights such as the franchise and freedom of movement. The other was composed of a much greater number of people who had no such rights. With the new constitution and the democratic elections of 1994, these two societies have not simply melted into each other in a seamless union.

According to a 1989 survey, Apartheid produced the world's most unequal society.⁹⁸ In 1995, a Danish Government document offered the following statistics:

The richest ten percent of South Africans account for 51 percent of the national income, whereas less than four percent goes to the poorest 40 percent. The distribution of wealth is even more distorted: five percent of the population lay claim to almost 90 percent of total assets. In the rural areas of the former homelands, two thirds of the blacks live below the official poverty line. Whites earn ten times as much as blacks on average, and they live an average of ten years longer. The infant mortality rate among whites is ten (in 1000) as compared to 100 for blacks.⁹⁹

The dramatic political transformation of the 1990s has not been matched by similar socioeconomic change. Since the election in 1994, non-whites have come to dominate the legislative and administrative branches of government at all levels, and progress is

being made at making the bureaucracy representative of the population at all levels of seniority, but the ascension of mixed race persons, Indians, and especially Africans to senior positions in the private sector is happening much more slowly. Similarly, wage levels for whites are still much higher than for others. Blacks (especially Africans) are much more restricted in their access to quality education and training programs, and many or most workplaces are still characterized by vertical and adversarial relations between members of different races.

The following employment and education figures are for a population that is roughly 75% African, 9% mixed race (Coloured), 2.5% Indian, and 10% white. For example, even though whites make up only 10% of the population, white males make up 75.35% of the country's senior managers and officials, and white females make up 9.75%.

	African	Indian	Coloured	White	Total Male ¹⁰⁰
Senior Managers, Officials	6.64%	3.26%	2.12%	75.35%	87.37%
Junior - Middle Management	11.54%	4.46%	6.70%	50.43%	73.14%
Professionals	9.67%	4.27%	3.46%	52.61%	70.01%
Agricultural, Fishery Workers	32.49%	0.76%	3.93%	6.51%	43.70%
Labourers	70.11%	1.77%	6.32%	1.09%	79.29%

	African	Indian	Coloured	White	Total Female
Senior Managers, Officials	1.34%	0.88%	0.66%	9.75%	12.63%
Junior - Middle Management	3.04%	1.33%	3.67%	18.83%	26.86%
Professionals	3.91%	1.61%	1.79%	22.69%	29.99%
Agricultural, Fishery Workers	50.73%	0.41%	2.46%	2.70%	56.30%
Labourers	17.21%	0.56%	2.33%	0.61%	20.71%

Highest Education Level by Population Group¹⁰¹

	African	Coloured	Indian	White
No schooling	6,910,273	432,794	81,052	189,055
Some Primary	5,771,471	657,126	121,274	296,231
Complete Primary	3,910,275	541,464	91,902	159,311
Matric	2,058,724	27,4647	212,579	1,204,768
Higher	482,038	85,912	62,571	667,813
Matric & Other	96,396	13,330	11,038	104,642

Even when Africans receive public education, its quality tends to be poor. When the ANC government came to power, per capita spending on white students was four times higher than for African students¹⁰². Since then, the government has had little success in rectifying this imbalance. Exclusion from proper schooling, vocational training, and advancement within the workplace has dramatic effects for marginalized communities. Africans have an unemployment rate almost ten times as high as whites: 42.5% to 4.6%¹⁰³. The legacy of policies designed to sever the Africans' ties to the land and create a large pool of labour, combined with a slowdown in the mining industry and the introduction of less labour intensive production methods in the manufacturing sector makes rapid progress in solving unemployment seem unlikely. Among those who are employed, income levels are as follows:

Individual monthly income amongst the employed by population group, aged 15 - 65 years¹⁰⁴

	African	Mixed Race	Indian/ Asian	White	Unspecified /Other	Total
None	67,867	91,547		22,015	1,018	103,354
R1 - R200	636,718	56,697		28,561	3,991	731,729
R201 - R500	1,186,478	195,228		42,558	8,590	1,445,441
R501 - R1 000	1,293,717	216,618		76,298	11,248	1,637,326
R1 001 - R1 500	1,088,001	231,507		131,265	12,913	1,537,026
R1 501 - R2 500	667,021	180,879		253,713	11,944	1,190,508
R2 501 - R3 500	303,914	88,647		261,581	7,683	711,013
R3 501 - R4 500	158,853	48,656		228,432	5,309	468,158
R4 501 - R6 000	90,060	37,424		242,336	4,609	398,666
R6 001 - R8 000	34,875	12,495		160,617	2,256	224,111
R8 001 - R11 000	19,466	7,496		118,943	1,387	153,021
R11 001 - R16 000	9,406	2,334		74,709	719	91,026
R16 001 - R30 000	4,817	1,248		45,169	395	53,012
R30 001 or more	2,070	746		17,617	151	21,221
Unspecified	123,216	46,463		152,579	9,703	347,533
Total	5,682,476	1,129,513		1,856,452	81,917	9,113,847

This imbalance in income is both a cause and an effect of the remarkably large amount of internal (within country) migration, especially among Africans who are forced to leave the former homelands where there has been economic collapse. Thousands of rural poor are pouring into urban areas each week, staking out tracts of unused land in the hope of making a better life. Some estimates indicate that 20,000 people flood into Gauteng Province, which contains Johannesburg and Pretoria, each month. Life in the squatter settlements can be very harsh. The camps rarely have access to water, sewage facilities or rubbish removal. In Bekkersdal on the West Rand, about 80 000 residents of a camp are served by seven taps. It is one of several camps in the region perched on dolomitic ground, which can contain massive and dangerous sinkholes¹⁰⁵. Every urban center in the country and many smaller towns have adjacent townships where many residents live in shacks under very difficult conditions.

Type of dwelling by population group of head of household¹⁰⁶

	African	Mixed Race	Indian/ Asian	White	Unspecified /Other	Total
House or brick structure on a separate stand or yard	4 673 181	452 258		1 034 346	31 160	4 331 586
Traditional dwelling/ hut/ structure made of traditional materials	1 612 700	13 955		10 483	5 922	1 644 388
Flat in a block of flats	153 096	58 042		208 120	4 631	458 167
Town/ cluster/ semi-detached house (simplex, duplex or triplex)	96 886	98 546		135 073	4 526	381 511
Unit-in retirement village	7 354	802		31 748	190	40 433
House/ flat/ room, in backyard	401 251	37 707		28 124	2 723	483 460
Informal dwelling/ shack, in backyard	373 194	26 479		1 060	1 706	403 329
Informal dwelling/ shack, NOT in backyard, e.g. in an informal/squatter settlement	1 013 543	31 103		912	3 243	1 049 696
Room/ flatlet not in backyard but on a shared property	107 584	12 059		15 207	1 513	139 632
Caravan/ tent	11 618	2 752		2 727	154	17 126
None/ homeless	1 982	249		198	22	2 470
Unspecified	81 008	7 173		14 492	2 446	107 153
Total	6 533 998	741 206		1 482 492	58 237	9 059 571

Perhaps the most dramatic effect of inequality in South Africa is the country's levels of crime. The violent crime rates in Johannesburg and Cape Town are among the highest in the world, and the rest of the country does not lag far behind. Much of the media attention and research on crime victims in South Africa focuses on suburban residents and businesses, and their risks are indeed high by any international standard, but those living in poor areas are even harder hit.¹⁰⁷ In some parts of South Africa a form of warlordism has become endemic, and it appears that this situation will remain for the foreseeable future. Police acknowledge a country-wide increase in vigilantism, including the stoning of family members of those accused of crimes. The international visibility of South Africa's crime rates discourages investment and tourism, clearly having a negative economic impact. The most important cause of this crime is unemployment among young males, especially Africans and those from the mixed race community in the Cape. In

many areas, unemployment among these demographic groups runs greater than fifty percent. Their proximity to large numbers of wealthy South Africans, and easy access to guns (a legacy of the anti-apartheid struggle) exacerbate the situation.

Another consequence of the great amount of social dislocation in South Africa is a soaring HIV infection rate. Estimates vary, but ten to twenty percent of working age South Africans appear to be infected, with rates going up. Migrant labour, poor health education, and the world's highest incidence of rape are contributing factors, as are a number of social ills that usually accompany widespread poverty: alcohol and drug abuse, family breakup, and promiscuity.

In 1994 the new, African-led government was handed the challenge of alleviating these problems and transforming the socioeconomic structure that produces them. It is nothing less than a heroic task. Despite the close association between the ANC, socialist trade unions, and the South African Communist Party before the political transition of the early 1990s, the government of Nelson Mandela rejected the option of a shift to a socialist state and the redistribution of wealth through such measures as the nationalization of industry or the collectivization of land. Indeed, while the social safety net has been extended to a modest degree, the new government has surprised observers with its broad embrace of market capitalism. Likely because of a concern to avoid "white flight" and the accompanying loss of expertise and capital, ANC policies designed to redress inequality have rarely been radical or dramatic, and it could be argued that the government is doing more to confront absolute poverty than relative poverty. Broad initiatives in housing, education, health, water services, and other social service areas have been launched, but

these suffer from a lack of capital, and the government has been reluctant to increase corporate income taxes or private taxes for the wealthy to fund them.

Perhaps the most impressive legislative initiatives have been the ones that confront the dynamic of inequality in the workplace. The passing of the new Labour Relations Act of 1995 was a watershed. It is true that the ANC surprised many observers with its broad embrace of market capitalism and its cooperation with the structural adjustment programs of the IMF, but the LRA bucks some of the major trends of economic globalization. In this legislation the right to strike is greatly expanded. Workers, other than those in essential services, can strike on most collective bargaining issues without fear of losing their jobs as long as they follow some relatively simple procedures.¹⁰⁸ The rules of collective bargaining are much more thoroughly spelled out - with a shift toward the interests of labour.

The ANC government has set no national minimum wage. Instead, a procedure for negotiations between employers and labour to set wage standards within each industry is outlined by the LRA. By 1997, over one hundred industries had established such standards¹⁰⁹. In industries not sufficiently organized for such a process, the Minister of Labour has the authority to set minimum wages. This does not apply, however, to agricultural or domestic workers – leaving many women in the lurch. Even within sectors with wage standards, other pressures can keep wages low.

At present, the most visible and controversial piece of the new labour legislation is the Employment Equity Act. This is an affirmative action initiative designed to counter the

forces that have relegated "designated groups" to unemployment or the least remunerative echelons of the workforce and have denied them equal pay for equal work. The act identifies the following "designated groups": "blacks" (this category includes Africans, Indians, and "Coloureds" – people of mixed race), women, and disabled people. All employers with fifty or more employees (legislation for smaller firms is pending) must abandon any policies or practices that exclude members of designated groups and implement practices that foster the hiring, advancement, and provision of equal pay to members of those groups.¹¹⁰

The Employment Equity Act seems to have provided a terrain upon which the hopes of the majority and the goals of their elected representatives will confront the intransigence of a privileged minority. This confrontation may provide a telling test of the new political leadership's ability to deconstruct a deeply imbedded structure of exploitation. This is a dangerous time for corporate leaders. Many of their senior managers and traditional partners in business are resistant to the proposed changes, but if corporations fail to cooperate with the government's venture and the hopes of the majority are dashed, then the forces that are currently destabilizing South African society and hampering the business climate may increase in strength.

One of those forces is the perpetuation of an anti-white-capitalist philosophy among labour leaders. The forced segregation of unions in the 1950s destroyed interracial networks of engagement, but it gave a boost to both black unions and political organizations such as the ANC by further unmasking the National Party government as a common enemy in cahoots with white business interests. The black labour movement and

the anti-apartheid movement converged and produced an extensive interfacing of networks. This almost certainly hastened the end of the apartheid era, but it leaves South Africa in the post-apartheid era with a labour sector filled with veterans of the anti-apartheid struggle. The worldview of these veterans is still very much shaped by the old liberation paradigm, leading to great lingering mistrust of whites, business interests, and government - even now that many of their former comrades are in government. This viewpoint, repeatedly encountered during my interviews in South Africa, often impedes the growth of interracial networks of engagement, and even serves to erode old networks as former comrades move into the business and government sectors.

The new labour legislation has been fairly high-profile in South Africa, but its visibility has come nowhere near that of the Truth and Reconciliation Commission. This venture dominated news coverage and public attention in South Africa for much of the late nineties and garnered considerable notice around the world. It has been a source of intense controversy as well as profound hope. In the chapters to come, we will view this bold initiative from the perspectives provided by each of the acts in our Drama of Political Forgiveness.

Chapter Four

Act One: Truth-Telling

The first act in our drama of forgiveness is about opening a good conversation. Truth-telling about harm done in the past needs to happen such that the appropriate people are talking (in the appropriate way) and the appropriate people are listening (in the appropriate way). This is as true for forgiveness among tens of millions of people as it is for forgiveness between two people. Every context has its own contingencies that determine what it would mean to have a good conversation. Those who design processes of truth-telling would do well to discover these contingencies, but this is no mean task.

As an ordained minister, and as the husband of a social worker, I regularly hear of people whose lives are upended by traumatic events. During the years I worked as a congregational pastor, I had the privilege of knowing many life stories in some depth. While these were a constant source of inspiration, I was also saddened by men and women who were walking through life with an unsure step, still off balance from things that had happened to them decades ago. Some of them had never recovered from the loss of a loved one, others had failed at some crucial challenge, but the individuals who were having the greatest difficulty finding their stride were those who had been deeply hurt by people they cared for and trusted. It is as if they were afraid to move forward because they no longer had confidence that the earth would be solid under their step.

A young woman named Stacy recently decided that she had to find a way to open a dialogue among her family of origin about their life when she and her brothers were

growing up. There had been many harsh and hurtful words and some physical abuse. Previous attempts to broach the subject of past physical abuse had been met with denial or minimizing of the experiences and their impact. This had led Stacy to feel even more confusion, self-doubt, and anger, and to pull away from her family. When Stacy had her first child, a son, she decided that it was time to stop pulling away and to come to terms with the past. She was afraid that she would hurt her newborn son in ways that she herself had been wounded. Also, she could see that one of her brothers was carrying a heavy burden of resentment and insecurity. He needed help as well.

She wrote down her memories and feelings and shared them with family members.

Reaction was mixed. Some family members were unwilling or unable to open up. Others did so to a limited extent. The brother for whom she had been concerned embraced the opportunity with enthusiasm. As the conversations progressed and became deeper, Stacy was surprised to discover what it was about the dialogue that most affected her. While she learned of events for which she had no recollection, and these certainly rounded out her understanding of family dynamics, it was the validation of her own memories and impressions that had the most impact. Realizing that both the resentment and the guilt that she had been carrying around were "normal" reactions, she was able to clarify what could (and could not) be done about those emotions and the dynamics that had fostered them. This gave her a new focus and a new confidence. Her anxieties about repeating old patterns with her own child began to fade, and the ground beneath her began to feel more solid.

The young mother and her brother engaged in long conversations about the past. At times they shared exact memories. At other times, their recollections of events differed in small or large ways, and, failing clarification from other family members, they were forced to live with the ambiguity. Each rounded out the others picture of the past. She eventually became aware that the history they were recreating was part fiction. They were filling in holes. But she did not feel that the fictive element was untrue. Rather, it was the imaginative work needed to complete the narrative. She became aware that they were re-constructing their history, not just uncovering it. While she accepted this, indeed embraced it because of its healing value, she also became concerned about its potential dangers. What if they were deceiving themselves in some ways? How would this re-constructed history influence relations with other family members? She felt the need to draw more family members into the process in order to safeguard against misrepresentation. She also felt that it would be fairer to share creative power with the people whose lives would be affected by the work of "re-membering."

The Need for Truth

Reflecting on their process of coming to terms with the politics and history of their country, South Africans of all races often recount a singular moment when they became aware of apartheid as something radically anomalous; when they realized that their lives, their communities, and all their relationships were imbedded in and distorted by a bizarre and dark social system. For many, this moment came when they were children; for others it was later. From that time on, the ground under their feet never seemed quite solid.

Those who chose to give a lot of attention to this realization inevitably experienced more

such moments as they discovered the grotesque contours of race relations in their country. Many others had further revelations imposed on them as the politics of apartheid invaded their lives.

For most South Africans, it was extremely difficult to know what was really happening in their country. Yes, it was clear to those who cared to look (and to the many blacks who had no choice but to look) that there was official, systematic, and violent repression of non-whites. Beyond acknowledging that reality, however, it was difficult to fill in details other than the ones stumbled upon in daily life. The government-sponsored media, such as the South African Broadcasting Company, was essentially an extension of the National Party's propaganda machine, and the rest of the formal media was under censorship.

Those involved with liberation organizations were privy to other sources of information, but there were also rumours about atrocities in the ANC camps, and some of the other liberation organizations used these to their own advantage. By the 1980s, anti-ANC rhetoric from organizations such as the Inkatha Freedom Party was almost as strong as that from the government. In the midst of this ambiguity, all parties fought public relations battles parallel to and interlinked with the physical battles. One's perceptions of "the truth" was largely influenced by such factors as the part of the country where one lived, exposure to international media or publications (which was tightly restricted), one's type and level of education, and to whom one chose to listen.

Thus it comes as no surprise that many millions of South Africans were totally captivated by the TRC hearings, and by the general work of uncovering past events conducted by

the commission. This fascination was undoubtedly related to the many experiences of having one's world turned upside down by a political fact.

A great discourse about truth-telling - its urgency, its primacy, and its proper nature - was launched in South Africa in the early nineteen nineties, and is still going strong. As apartheid was coming to an end, millions of South Africans found themselves in a state not wholly unlike that of Stacy, the young Canadian mother: they were on existentially unstable ground, unsure of the "truths" that had served as foundations for their lives. For Stacy, it was family "truths" - "you can always trust your parents; they would never do anything to hurt you", " your family knows and does what is best for you", "you and your brothers and sisters will always be there for each other" - that withered beneath her. Many South Africans, of all colours, watched family "truths" crumble - especially young people who came to see how complicit, by investment or by acquiescence, their forbears were with the system of apartheid. They also witnessed "truths" in almost all other areas of their lives come into question. Assumptions, dogmas, and myths that undergirded their nation, their churches, their system of commerce, and most other institutions were being pounded into dust and sand.^{XXXV}

^{XXXV} It is important to be careful when trying to relate political truth-telling and forgiveness to their counterparts in the realm of interpersonal relations. This may be valid, and will hopefully have heuristic value, but it is crucial to avoid the trap of reductionism. The torture, murder, and disappearances that occurred in South Africa (or other places like El Salvador, Sri Lanka, and Uganda) cannot be equated with family abuse. The systems of oppression imposed on black South Africans, North American Natives, and other peoples are of an order wholly different from systems of family dysfunction, even brutal ones. So why make the connection at all? Because we are keeping open a dialogue between interpersonal forgiveness and political forgiveness. At this juncture, the dialogue concerns the first act in the drama of forgiveness: truth-telling.

It would be natural to assume that this was more the case for whites than blacks, and that is true to a certain extent, but the beliefs that undergirded many black institutions also came into question. The many black churches that told their members to stay apolitical and portrayed liberation activists as "troublemakers" serve as examples. Of course, many blacks, especially those who were active in liberation organizations, saw the opposite process occur as well. Their beliefs, long challenged, were now moving into the mainstream.

Oliver is a Xhosa man with a strong high voice that reminds one of chai wallas at Indian train stations. His body and his emotions are marked by years of deep involvement in the anti-apartheid struggle; they show both a proud strength and a bitter weariness.

Growing up in the Eastern Cape, Oliver was aware from an early age that whites lived in separate areas and that there was tension between them and his people. There was discussion of politics at home, and his mother, who supported the Pan African Congress (PAC, a liberation organization whose rhetoric was more explicitly anti-white than that of the ANC), was especially critical of white authorities. One incident, which occurred when Oliver was seven or eight years old, made him understand that he was living in a deeply racist society. He and some friends were swimming in the local river. Police officers came along and made them leave the area. It was bluntly explained that blacks were not allowed to swim upstream from the area reserved for whites.

After several harsh years of work in the mines, Oliver joined the ANC's military wing, Umkhonto we Sizwe (MK, "Spear of the Nation"). He was trained to operate within South Africa, recruiting members from the mixed race community (he was assigned to this task

because he spoke Afrikaans well), and hitting "soft targets;" mostly black police or municipal officials who cooperated with the regime. He also became a judge (and executioner) of the people's courts.^{.XXXVI} He was eventually captured by police, imprisoned for several years, and subjected to the extreme mistreatment.

As apartheid came to an end (politically, at least) Oliver came to see himself as both a person who had received and done harm. He seeks forgiveness from the families of people he sentenced to death, and he struggles to forgive those who brutalized him. Suffering from a variety of physical ailments, he now works for an NGO that does educational and advocacy work in both African and mixed race townships. He spends a lot of time with mothers of those who never returned from the struggle. When he speaks of his former comrades who now inhabit "shiny government offices," he betrays a deep ambivalence. It is a joy that they have survived the struggle to make good, and they are helpful contacts for his work. But they have left him behind, and no longer need the old network for friendship or to tell them who they are.^{.XXXVII}

Finding a Way to Name the Harm Done

South Africa initiated the most ambitious process of historical re-membering that the world had ever seen. Like the young Canadian mother, but in a more sophisticated way,

^{.XXXVI} The "people's courts" were established in black communities, often with leadership from members of the ANC or other anti-apartheid organizations, as an alternative to the "justice" meted out by the apartheid regime. Those who were believed to have cooperated with the security police were often brought before these tribunals. People accused of other offenses, rape for example, were tried there as well.

^{.XXXVII} Throughout this chapter and those that follow I relate the experiences and opinions of a number of private individuals in South Africa. Each of these people was interviewed by myself (sometimes with a research partner) between January and May of 2000. Some of their names and biographical details have been changed to ensure confidentiality; one or two of the life stories presented are actually amalgams.

the South Africans who designed this process realized that truth-telling about the past involves a lot more than the sharing of memories. The how and why of such a sharing would have to be thought through with great care. Who would have power to speak? Who would design the fora in which the speaking would take place? Who would preside over them? Who would be given the task of shaping the documents that would record the process? Given that there is an imaginative element to reconstructions of the past, what kinds of media, academics, and artists should be involved in the process?

The designers of the truth-telling process had to come to terms with the fact that the question "what is truth?" has no simple answer. Truth looks different from different perspectives. The TRC would have to be a forum that allowed for multiple perspectives but also demanded a certain level of rigour in terms of the verification of historical facts. When dealing with the attack that killed eleven worshippers at St. James Church in a white Cape Town suburb, for example, the TRC would have to establish such *facts* as who did (and ordered) what during the attack and its preparations, but it would also have to make space for the anti-apartheid commandos to explain why they felt the killing of worshippers advanced their struggle, for victims to relate their experience of the attack and the impact it has had on their lives, and so on. Out of these discussions would arise plural, even competing "truths."

The designers of the truth-telling process would also have to set parameters to the discussions knowing that many important stories would have to go untold in public forms and many important perspectives would not be shared. Even if the TRC went on for ten years the "whole truth" of the apartheid era would not be told. The architects and

administrators of the TRC would have the unenviable job of deciding who would receive attention and who would not, knowing that the exclusion of some would mean that parts of the past would go unexamined.

One thing was certain: many of the people who had been enemies of apartheid were eager to begin the process. Kader Asmal, the current minister of education, and a prominent member of the ANC offered (along with his co-authors) the following perspective during the early days of the TRC:

... this country must hold up a mirror to the old protagonists, passive and active, of apartheid to show them their actions in the light in which these were seen by the majority of the people of South Africa, and indeed by most people of the world.

The majority of people in South Africa lived and breathed the truths of apartheid. They suffered the indignities and humiliation of statutory inferiority. They suffered the pain of being forced out of their homes and off their land, away from their loved ones. They were imprisoned and detained in thousands. They require not revelations, but acknowledgment from the perpetrators and beneficiaries. They require a collective renunciation, by society as a whole, of apartheid's acts, systems, and beliefs.¹¹¹

It is fascinating to witness the spirit of hope with which Asmal, one of the intellectual heavyweights of the ANC, embraced a truth commission. He asserted that South Africa's process of forging collective memory would, at least in some measure:

- ✓ enable the country to achieve a measure of justice for victims of the past by acknowledging the atrocities that they had suffered;
- ✓ provide a basis for a collective acknowledgment of apartheid's illegitimacy;
- ✓ facilitate the building of a culture of public ethics, and make room for genuine reconciliation;
- ✓ provide a basis for the decriminalization of the anti-apartheid resistance;
- ✓ ensure a sound basis for corrective action in dismantling the apartheid legacy;
- ✓ lay bare the roots of the violence that was still plaguing parts of the country;

- ✓ illuminate the long-standing humane values of the anti-apartheid resistance;
- ✓ demonstrate the morality of the armed struggle against apartheid;
- ✓ establish a new equality of all citizens;
- ✓ place property rights on a secure and legitimate footing;
- ✓ enable privileged South Africans to face up to their responsibility for the past;
- ✓ offer an acknowledgment of the wrongs done to the other countries of southern Africa;
- ✓ and clarify the important international implications of apartheid.¹¹²

Now that the TRC has completed its work, this list seems a bit heady and optimistic (it also shows the extent to which Asmal was invested in the legitimization of the ANC). On the other hand, very substantial strides have been made toward a number of these goals. Indeed, given the movement of the old liberation organizations - especially the ANC - into the center of political life, it is now surprising to remember that objectives such as "provide a basis for the decriminalization of the anti-apartheid resistance" or "demonstrate the morality of the armed struggle against apartheid" needed to be stated.

Asmal's identification of the difference between individual and collective memory speaks to an issue raised above. One might assume that a process of political re-membering would have a larger fictive element than re-membering in the interpersonal realm. Certainly new political myths are being born in South Africa as poets and playwrights help the nation learn to understand its new reality. These artists have an important place in building a new South Africa, and Asmal acknowledges that "history is fiction, subject to a fitful muse, memory,"¹¹³ but he appears eager to put strong boundaries around the

imaginative element within the process of truth-telling. He calls for a laborious process of uncovering and debating the truth.

This is a workaday exercise, involving academic controversy, political debate, media revelations, processes of proof and of disproof. ... Thus the process of forging collective memory is a flaring up of debate; it is the creation of a public atmosphere in which the seemingly unimportant memories and annals of the past achieve a new public importance. New incentives are unleashed so that forgotten or neglected private thoughts and evidence enter the domain of public acknowledgment. For the first time, seemingly worthless private reminiscence achieves public currency and manifest worth. *This is a precise, not a sentimental process.*¹¹⁴

Mama Mxinwa is a gentle woman with big strong hands from decades of domestic service. She grew up in the Eastern Cape aware that her family was not very wealthy and that white people generally were better off. She was fairly apolitical in her disposition, however, and remained that way until middle age. At this time she was living in one of the African townships near Cape Town, the mother of eight children. There was lots of talk about ANC organizing in her township, but, out of fear, she stayed away and advised her family to do the same. One day one of her sons did not come home from school. It was a week before she learned of his fate. A man posing as an ANC recruiter had enlisted several young men, gathered them together and led them to a pre-arranged confrontation with police. The boys were massacred and, after the shooting, had weapons planted on their bodies. This event became widely known as the "Guguletu Seven", and then simply the "G7."

The Promise, Limits, and Structure of Truth-telling

Praise for the value of the TRC and similar projects of truth-telling has not been restricted to South Africa. Commentators and scholars from around the world have welcomed the

new emphasis on truth-telling as a sign that we are moving into a new era of accountability. Echoing the voices of many others, Walter Wink has this to say:

In sum, a society recovering from the trauma of state violence needs as much truth as possible. Truth is medicine. Without it, a society remains infected with past evils that will inevitably break out in the future. Domination cannot exist without the Big Lie that persuades the many to offer their lives for the protection of the privileges of the few. Truth-telling not only exposes that lie, but establishes a sacred space where others may gather who will no longer tolerate the lie, as in the churches of East Germany.¹¹⁵

Priscilla B. Hayner is a prominent chronicler of truth commissions and similar processes.

In her book, *Unspeakable Truths: confronting state terror and atrocity*, she carefully documents the value of truth-telling, but she also laments that "many comfortable assumptions have been restated over and over again in untested assertions by otherwise astute and careful writers, thinkers, and political leaders."¹¹⁶ Her first example is that truth always leads to reconciliation, or that it is always necessary to know the truth to advance reconciliation. There is plenty of evidence to support the link, but there is also evidence that a clear end to the threat of further violence, a restitution program for victims, efforts to remove structural inequalities, the existence of civic capacity, or simply the passage of time are also important. She also challenges the assumption that giving victims a public forum in which to tell their stories always fosters healing.

Hayner's larger point on making assumptions is well taken, but it is important to state that, while truth-telling may not always advance reconciliation, it is almost always of enormous import to those who have been oppressed by an unjust government or system. Non-white interviewees in South Africa repeatedly told me that the revelations of the TRC's Human Rights Violations Hearings gave them a feeling of a great burden lifted. After decades of having their everyday reality denied by a vast blanket of propaganda that played to the willingness of privileged South Africans to suspend disbelief in the face

of the big lie, it was liberating to have this blanket torn away. Hayner would not deny this, but she asserts that there are contexts of reconciliation where a truth-telling process could do more harm than good. She points to Mozambique as a prime example. When that country's war ended, the various parties quickly came to a state of peaceful coexistence. After years of brutal fighting in which the civilian population suffered horribly, this state of affairs is cherished with a sense of wonder. It is feared that a process of historical inquiry would jeopardize this. Given the number of atrocities that occurred and the number of people with blood on their hands, the danger of endless cycles of vengeance is all too real.

Despite her call to be careful about truth-telling, Hayner is convinced of its benefits.

Echoing Asmal, she states the value of having such a reality check as the prime purpose of a truth commission:

The most straightforward objective of a truth commission is sanctioned fact-finding: to establish an accurate record of a country's past, clarify uncertain events, and lift the lid of silence and denial from a contentious and painful period of history. The great number of interviews with victims, typical of these commissions, allows a detailed accounting of the patterns of violence over time and across regions, literally recording a hidden history. The detail and breadth of information in a truth commission report is usually of a kind and quality far better than any previous historical account, leaving the country with a written and well-documented record of otherwise oft-disputed events. ... The official and public recognition of past abuses serve to effectively unsilence a topic that might otherwise be spoken of only in hushed tones, long considered too dangerous for general conversation, rarely reported honestly in the press, and certainly out of bounds of the official history taught in schools. In effect the report of a truth commission reclaims a country's history and opens it for public review.¹¹⁷

There are a number of options available to a nation in a state of transition and seeking to set the historical record straight. Often the goal of truth-telling is modified by or joined with other goals, such as preventing further violence or finding international credibility. And the search for truth can be conducted in a number of different ways. In 1992, the newly unified Germany decided to create a *research based* commission to document the

practices of the German Democratic Republic between 1949 and 1989. Most of the commissioners appointed were politicians and historians. They commissioned over one hundred papers from academics who were given access to the files of the former East German Government. Unlike most other formal truth inquiries, the focus was not exclusively on human rights violations; instead, there was a broad range of political-historical analysis and ethical assessment of government policy and practice.¹¹⁸ In 1994 Sri Lankan president Chandrika Bandaranaike Kumaratunga appointed three separate commissions of inquiry. Each was to restrict its investigation to a distinct geographical region. All three focused on "the involuntary removal or disappearance of persons." Although the impact of the final reports was hampered by renewed warfare, their contents were eventually used in prosecutions of alleged perpetrators, and some of the victims received modest financial compensation.¹¹⁹ The Commission on the Truth for El Salvador was a product of the UN-brokered peace accord of 1991, and was administered by the United Nations using contributions from member states. It took testimony from two thousand victims and witnesses on cases of assassination, disappearance, torture, rape, and massacre. It also received information from human rights groups and other secondary sources. When the commission's report, *From Madness to Hope*, was published it was a major political event in El Salvador, but only five days later a sweeping amnesty law was passed protecting those it named from prosecution. This considerably dampened the enthusiastic spirit in which Salvadorians had received it.¹²⁰

These examples show just some of the choices that must be made regarding a commission of inquiry: will commissioners be selected from the home country or the international community or both? Who will administer the commission (this depends on

the perceived credibility and stability of the government as well as its available resources)? What range of transgressions will be considered? What primary and secondary sources of information will be used, and who will have access to this information? Will victims, perpetrators and witnesses be questioned in open hearings? Will perpetrators be named in final reports? Will the information gathered be used in criminal prosecutions or will there be an amnesty process? Will some kind of reparation be offered to victims?

In the mid-1990s the new South African government worked its way through these choices. It designed and launched a "Truth and Reconciliation Commission," amidst much controversy over the relative importance of the two objectives. In the next section of this chapter, we will survey the historical developments that led to the formation of the commission and examine the work of one committee of the TRC, the Human Rights Violations Committee, which was charged with launching South Africa's truth-telling process.

Yazir, a man currently about thirty years of age, grew up in one of the areas near Cape Town that had been designated for "coloureds" according to apartheid nomenclature (which is still in wide use). He is thin, with penetrating eyes. His intensity of purpose and intellect are quickly apparent, as is his deep woundedness. During his preschool and elementary school years, he became increasingly aware that race was a dangerous issue because his questions about it were almost always met with silence.

Near the beginning of his secondary schooling, when he was about twelve years of age, Yazir was taken on a bus trip that passed through African and white areas. He was struck by the fact that people of different races lived under such different conditions. The range of wealth exhibited by the houses and neighbourhoods amazed him. The reality that access to these things was determined by colour deeply disturbed him.

By the time Yazir was fifteen years old, he had become involved with the ANC, and within a couple more years he was an MK soldier being trained in the Soviet Union. After a period of service outside South Africa, he returned to a mission in the country. One day, when he was nineteen years old, he was captured by security police and subject to a period of harsh imprisonment. The police offered him an obscene choice: give up the location of one of his MK comrades or they would kill his mother and four-year-old nephew. When he revealed the location of the MK operative, Yazir was taken to the house in a car and forced to witness what he assumed would be an arrest. Instead the police stormed the house with guns, grenades and heavy weapons. The operation was not an arrest but an execution.

Truth-telling at the TRC

In December 1993, after years of negotiations, South Africa's Interim Constitution was agreed upon. This constitution formalized the negotiated peace between the apartheid government and the liberation organizations, particularly the ANC. The final part of the constitution to be agreed upon was the epilogue entitled "National Unity and

Reconciliation." Representatives of the apartheid government were unwilling to come to a settlement that did not include amnesty, and were pushing for a *blanket* pardon. The ANC was under pressure from many of its allies in the resistance movement to refuse. Finally, on December 5 a compromise was struck and the amnesty provision was inserted in the midst of paragraphs that dealt with the need to heal the nation and build a new and just foundation beneath it. The epilogue:

This Constitution provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex.

The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society. The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge.

These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not retaliation, a need for ubuntu but not for victimisation.

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date which shall be a date after 8 October 1990 and before 6 December 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law has been passed.

With this Constitution and these commitments we, the people of South Africa, open a new chapter in the history of our country.¹²¹

We can see from the epilogue why South Africa did not settle for a commission of inquiry that focused only on the construction of a historical record. Firstly, as mentioned, amnesty was part of the negotiated agreement. The National Party was unwilling to peacefully surrender power without it. They did not get their blanket pardon, however; in a bold move, the amnesty process was inserted into the larger truth and reconciliation process in a manner that forced applicants to contribute to the search

for historical truth. Secondly, the epilogue forcefully articulates the goals of national reconciliation and healing. We see that its drafters held concerns broad enough to cover all four elements of political forgiveness as defined by Shriver.^{XXXVIII}

Shriver's first element, memory suffused with judgment, is there in a restrained fashion (the writers refrain from naming specific oppressors and victims). This restraint underscores the point that truth-telling has its proper measure and time; too much designation of guilt would have made the peaceful transfer of power more precarious. The statement that there is "a need for reparation but not retaliation, a need for ubuntu but not for victimisation" speaks to elements two and three of Shriver's model: the abandonment of vengeance and empathy for the humanity of the "other." "Ubuntu" is a Xhosa word, whose definition is very difficult to translate into English. Roughly, it means "my humanity and your humanity are jointly consummated through mutual recognition and relationship."^{XXXIX} The envisioning of a "future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans" speaks to Shriver's fourth element: the renewal of relationship. It is interesting that the authors of the document, like Shriver, choose the term "co-existence" to state their hope without undue optimism.

As agreed upon, free elections were held in April of 1994. The ANC won an overwhelming majority. Both the National Party and the Inkatha Freedom Party, which had only decided at the last moment to participate in the elections, agreed to join the

^{XXXVIII} For an outline of Shriver's definition of political forgiveness, see the final section of the Introduction.

ANC in a government of national unity. Among the many great challenges that faced the new government was the design of the formal reconciliation process.

The ANC already had some familiarity with commissions of inquiry. During the eighties and early nineties there had been reports of torture and other abuses in ANC camps. In 1991, a group of thirty-two former detainees in ANC camps set up a committee to confront the ANC about these abuses. In March 1992, the ANC president Nelson Mandela appointed the Commission of Enquiry into Complaints by Former African National Congress Prisoners and Detainees. After seven months, the three appointed commissioners produced a report documenting "staggering brutality" in the camps. Shortly afterward, Mandela appointed a second commission of inquiry. Public hearings were held during the summer of 1993, and the final report reached conclusions similar to the earlier one.¹²² In September of 1993, the National Executive Council of the ANC took a policy decision to advocate a much more comprehensive commission of enquiry. They called for a truth commission to investigate human rights abuses throughout South Africa during the decades of apartheid.¹²³

When Mandela became the new president of South Africa, he decided not to follow the examples of Raul Alfonsin of Argentina and Patricio Aylwin of Chile, who had earlier established commissions by presidential decree. Instead, the new government spent about a year holding consultations and drafting the terms of the coming commission. Two international conferences were held to look at the transitional justice policies developed by other countries that had moved from authoritarian and abusive regimes to fragile

^{xxxix} "Ubuntu" will be discussed in greater detail in the chapter on "Embracing Forgiveness."

democracies. Hundreds of hours of public hearings were held in parliament. NGOs were invited to make submissions, and many of their recommendations were heeded. Hayner praises this consultation process and the open manner in which commissioners were selected - candidates were interviewed in sessions open to the public - saying that the TRC mandate as well as its civic and political support would have been much weaker otherwise.¹²⁴

Finally, the Promotion of National Unity and Reconciliation Act was passed in mid-1995 and the seventeen commissioners to the TRC were named in the Government Gazette the following December. The men and women selected represented a broad cross section of South African society. Archbishop and Nobel Laureate Desmond Tutu was named the chairperson of the commission and Dr. Alex Boraine, a white former Methodist minister and politician who had played an important role in the consultation process leading to the formation of the TRC was named vice-chairperson. The work of the TRC was to be directed by three committees: the Committee on Human Rights Violations (eight commissioners), the Committee on Amnesty (three commissioners), and the Committee on Reparation and Rehabilitation (five commissioners). An investigative unit with broad powers was also established, and was headed by the prominent African lawyer Dumisa Ntsebeza. The TRC was granted a budget of approximately \$18 million US per year for two and one half years. It employed a staff of about three hundred persons and set up four large regional offices.

At this point we will take a look at the mandate and work of the Human Rights Violations Committee. In a later chapter we will examine the Amnesty Committee and the Reparations Committee.

The Human Rights Violations (HRV) Committee was charged with providing a comprehensive accounting of gross human rights violations committed by the apartheid state and its supporters as well its opponents between 1960 and 1993. Its purview included violations committed in South Africa and in other countries. The reporting by the committee was to name individuals and expose the violations they had suffered such as murder, kidnapping, and torture. This would not only provide psychological validation for the victims or their surviving relatives and comrades, it would also clarify who was entitled to receive benefits under the program that was being designed by the Reparations Committee.

This individual accounting became an important part of the task of establishing an historical record that painted a picture of South Africa's conflict and oppression in broad strokes. Many of the individuals and groups who had contributed to the consultations on the formation of the TRC emphasized the need to describe and judge the comprehensively unjust system of apartheid and the web of lies that concealed its true nature. They argued that there was such a legacy of legitimization of criminal activity and criminalization of legitimate protest that the new South Africa would have to intentionally construct a foundation for public morality and a culture of respect for human rights, and that the coming commission would be a good place to start.

When I attended some of the TRC hearings, I began to understand this imperative. South Africans in attendance showed no surprise at revelations that made my head spin. Among them was the existence of a government department called the Civil Cooperation Bureau, which masked itself as a government-business liaison office but really employed the most devious of security agents. These agents have admitted responsibility for such acts as the bombing of a day care centre and the murder of an African lawyer, and are suspected in letter bombings and poisonings. One amnesty hearing I attended was derailed when a witness claimed to have seen Dumisa Ntsebeza, the head of the TRC's investigative unit, participate in the massacre for which the applicants were seeking amnesty. It was eventually revealed that the witness was lying, having been prompted by an apartheid-era police official who was still on the job. I began to see how deeply deception and violence were embedded in the country's institutional life, and how these things would have to be exposed and challenged if communities and institutions were to have greater measures of sanity in the future.

Individuals who felt that they had been victims of gross human rights violations were invited to make submissions to the HRV Committee. Family members made submissions on behalf of people who had been killed. Statements from 21,000 people were received and tested to determine whether the applicant would receive "victim status." The process of taking statements, frequently from people who could not write, and seeking verification was laborious. Dumisa Ntsebeza offers the following description:

For example, if a person alleged that in May 1987 he was one of a group of protesters that marched to Pollsmoor to demand the release of Nelson Mandela, that during this march they were tear-gassed and assaulted and fired at by police, that his brother died in the incident and so on, the verification process would involve what came to be known as low-level corroboration. This would be done by the Investigative Unit. It would involve enquiries made at police stations, libraries, hospitals and mortuaries around the dates in

question to establish if, in fact, there had been such an incident, if there were death certificates and/or post-mortem results relevant to the death mentioned. Details would be checked and double-checked to establish if they are verifiable.¹²⁵

Special investigations were launched into violations that showed a high level of authorization or that demonstrated a pattern of institutional complicity. Public HRV hearings were called for some of these investigations. Many of the hearings focused on particular incidents, such as the one in which Mrs. Mxinwa's son was murdered (this was called the Guguletu Seven Hearing). Other hearings were topical; the Hearings on Chemical and Biological Warfare and those on Secret State Funding being examples. It is important to underscore that the investigations and hearings dealt with human rights violations by all parties to South Africa's prolonged conflict, not just the state security forces or other organizations that had been instruments of apartheid. This went a long way to legitimize the commission in the eyes of white South Africans, many of whom had feared that it would serve as solely a witch hunt or a prolonged public humiliation of whites.

The topical hearings conducted by the Human Rights Violations Committee helped to identify the broad contours of the history of apartheid and also provided a forum in which judgments upon that history could be debated. There was a set of hearings that invited submissions from political parties. The Political Party Hearings gave the National Party, the ANC, and other organizations opportunities to offer their own interpretations of the events and legacies that were being uncovered by the TRC. It also gave apartheid-era leaders an opportunity to offer apologies. As we will see in the next section of this chapter, an apology by F.W. de Klerk generated a fair bit of controversy. A set of hearings on the state security apparatus allowed a comprehensive examination of the

broad, well-funded, and often hidden system of police, soldiers, and sanctioned terrorists. "Institutional Hearings" were held on Business and Labour, The Faith Community, The Legal Community, The Health Sector, The Media, and Prisons. These paralleled the Political Party Hearings in that representatives from these sectors could offer their interpretations, accusations, or apologies. There were also "Special Hearings" on Compulsory Military Service, Children and Youth, and Women.

In its final report, the TRC offers thematic interpretations of all these hearings. The report has been criticized for being too spotty and lacking sufficient documentation, but, given the scope of its investigation and the easy availability of transcripts from all the hearings, this criticism does not stick. In general, it offers a broad and balanced interpretation. The opening paragraphs of the chapter that deals with The Faith Community Hearings serve as an example.

1 Some of the major Christian churches gave their blessing to the system of apartheid, and many of its early proponents prided themselves in being Christians. Indeed, the system of apartheid was regarded as stemming from the mission of the church. Other churches gave the apartheid state tacit support, regarding it as a guarantor of Christian civilisation. They were the beneficiaries of apartheid, enjoying special privileges denied to other faith communities.

2 Religious communities also suffered under apartheid, their activities were disrupted, their leaders persecuted, their land taken away. Churches, mosques, synagogues and temples – often divided amongst themselves – spawned many of apartheid's strongest foes, motivated by values and norms coming from their particular faith traditions. They were driven by what has been called the 'dangerous memory' of resistance and the quest for freedom, often suppressed but never obliterated from their respective faiths.¹²⁶

Perhaps the most regrettable feature of these paragraphs is that the language is tepid, but it is not consistently so, and the writing sometimes becomes more pointed as the report moves into the thick of things. In a way, the report represents a microcosm of the larger process of unveiling and debating South Africa's history that Asmal was calling for. Those responsible for the report, the commissioners, represented all sectors of society.

They spent many months having evidence placed before them, and then discussed and debated, cooperated and quarreled until they had a document that they could live with. One of its most valuable assets, and the same can be said of the hearings that it documents, is that it represents an extended dialogue between whites and blacks, former supporters and opponents of apartheid, Muslims and Dutch Reformed Christians, etc.. For the first time, all sectors of South African society are included as equals in the debate about where they have been and where they should go.

Lynn, an English speaking white person, is now in her late twenties. At first, her friendly manner and quick smile mask her intense attachment to social justice, but her words become fierce as she speaks of political machinations in either the new or the old South Africa. In the mid-eighties, she was given sharp insight into the violent racial politics of Kwazulu-Natal. Her mother was a social worker who had earlier been active in support of the ANC, but had discontinued that activism when her children were born. When Lynn was about nine years old, her mother decided that she could no longer stay politically disengaged. Lynn often accompanied her on trips to Umlazi and other African townships. This was a time of violent conflict between the ANC and the Inkatha Freedom Party, which was receiving arms and tactical support from state security forces. Lynn frequently visited encampments for refugees of the fighting and was given a first-hand education about apartheid in its most bloody manifestation. She was also marked by the distance other whites, especially members of her church, placed between themselves and her family when her mother became known as an "agitator."

Her psychic distance from (and resentment toward) her fellow church members dramatically increased when she was fifteen. Some refugees of the Inkatha-ANC violence had sought shelter in Lynn's church, which was located in a privileged, white suburb. The congregation refused to sponsor them, and they were forced to leave the safety of the white enclave and seek a hiding place in Umlazi. They left on a Saturday morning, with a promise to send word of their new location. The following evening, at the Church's Sunday night service, a young black man came to Lynn and her mother and informed them that the refugees had been discovered and massacred, probably by security policemen.

Lynn became deeply troubled and angry. She suffered a crisis of identity, which was compounded by the fact that her father, long since divorced from her mother, was a member of the defence forces involved in operations against the ANC and other liberation groups. Lynn and her mother were self-declared communists. Her father was so strong in his conviction that communists were enemies of the state, that he reported Lynn's mother to the security police. For a time, Lynn distanced herself from her roots to such an extent that she came to understand herself as a black South African.

Looking back, she now characterizes that identity construction as having an unhealthy element of denial. Listening to her, and learning about the work she does, one is impressed by the amount of strength and wisdom she has gathered during her years of struggle and doubt. She is one of those rare people who can dynamically empathize with people of all stripes. Her commitment to social justice is informed by concern for those who dwell in all niches of South Africa's social geography.

Lessons from the HRV Investigations

It would be difficult to overstate the impact of the HRV Hearings, which were widely broadcast and reported on the radio, on television, and in the papers. Many, many South Africans, especially whites and to a lesser extent Indians and mixed race people, have indicated that they were shocked by the magnitude and character of the violence that had taken place in their country. Commentators have frequently argued that, despite government censorship and propaganda, information concerning the human rights violations against blacks was widely available during the apartheid era; South Africans who were "unaware" of the violent oppression were in denial. If these commentators are correct, then millions had opted for ignorance, because there was widespread and painful surprise over what came out of the HRV Hearings. Before 1995 these people may have been complicit in their own deception. Once the hearings began, such complicity was no longer an option.

What about the people who had had direct experience of state oppression or had suffered violence at the hands of liberation organizations? How did they experience the HRV hearings, either as participants, spectators, or from among the millions following through the media? How do they now feel about this aspect of the TRC's work? It is, of course, impossible to know the feelings of the millions of victims around South Africa. My investigations were of a limited scope, and were largely conducted in one part of the country, the Western Cape (which includes Cape Town), but I am left with the impression that most citizens value the extent to which the hearings fostered truth-telling. While there is a lot of resentment toward both the amnesty and reparations processes,

there seems to be a general view that the HRV Hearings uncovered a wealth of historical facts that would have otherwise remained hidden, or at least disputed.^{XL}

Mama Mxinwa and some of the other mothers of the Guguletu Seven certainly hold this opinion regarding the investigation of that massacre and its associated hearing. They say that, despite the intense pain of opening those old wounds, they are happy and relieved that the real nature of the event has finally been uncovered and that "we know where we are now." A reporter who was one of the first on the scene of the Guguletu Seven shooting offers a opinion that is guarded but positive. At the time of the shooting he talked to several (African) witnesses of the event and reported a version very different from that put forward by the police. He subsequently took a lot of heat from the government as it tried to force him to reveal his sources (who would have been put in great danger) and attempted to prosecute him when he refused. Now, speaking of the G7 episode and others like it, he says "we can see a bigger tip of the iceberg than before."

The part that remains uncovered includes information about which senior officer(s) ordered, planned, and approved of the shooting. In many ways this example is representative of the HRV investigations in general. Those who suffered under apartheid can take comfort in the fact that their experiences are being acknowledged, and that their beliefs and actions are being vindicated. They can also rest assured that many of the former regime's servants have been exposed and forced to admit to their actions; but they

^{XL} After the first draft of this dissertation was completed, the Institute for Justice and Reconciliation, a South African NGO, released the results of an extensive survey that supported my impression. I report on the IJR's findings in the Conclusion.

rest uneasy with the knowledge that most of apartheid's elite agents and architects remain in the shadows.

Others have different sources of ambivalence about the Hearings. Yazir spoke to a hearing at the urging of his therapist. Half a dozen years after he had led his captors to the home of his former partner, he was on the precipice of physical and psychological collapse. It was hoped that the TRC would create a space in which he could find a measure of freedom from this story by telling it publicly. The telling was excruciating; at numerous points he broke down and had to pause to collect himself. At the end he was helped to a debriefing room. For some time afterward he could interact only with members of his immediate family. The experience had "consumed all his courage and strength."

Looking back, he sees that the TRC created a space for him to confront his story. During his time of retreat after giving testimony he realized that he had survived this confrontation and that he would be able to get on with his life. The pain was far from gone, but there was a new sense of hope. His experience "convinced me that it is possible to create a space where we are able to face each other as human beings." But, Yazir is also deeply disturbed by the ways his testimony has been appropriated, edited, and used by media outlets and writers. He found himself portrayed in a number of media stories and one bestselling book as "the agonized confessor" and the "informer who should be pitied." The lack of background and subtlety to these pieces, has left him bitter about the distortion of his testimony and the characterizations that were imposed on him.

Yazir feels the same frustration with the final report of the TRC. He feels that the document redacts his story and many others to fit the contours of a political agenda. There are victims in this process: those whose histories are distorted, and those whose histories are buried.

This frustration is not shared by all of the other "victims" who participated in hearings. Mama Ngewu, like Mama Mxinwa, lost a son at the G7 massacre. She recounts her experience of speaking to the HRV Hearing as being very difficult. When asked if she felt relief after her testimony she says simply "it was bad at that time." But she feels that the pain was worth it because the participation of the mothers was part of the process of finding the truth. In their case there was an added element; the ANC "askari" (traitor) who had led the young men to the police ambush asked for an opportunity to apologize to the mothers privately. Under Archbishop Tutu's leadership, these kinds of encounters were encouraged and facilitated.

Father Michael Lapsley was the victim of a letter bomb almost certainly sent by someone within the apartheid government's security apparatus. He lost both hands and an eye and suffered much damage to his face. He voices yet another kind of ambivalence about the TRC's truth-telling process. He is not sure that he wants to know the identity of the bomber (and his accomplices), saying that the truth makes new victims and creates new burdens. On the other hand, he was happy to tell his story to a hearing; he felt that it was becoming a part of "the South African mosaic."

The impressions and opinions of the G7 mothers, Yazir, and Father Lapsley represent the qualified, but generally positive evaluation of the HRV hearings that apartheid's old enemies seem to be voicing. In terms of the overall work of the TRC, the HRV Committee did the most for these people. Other aspects of the committee's work have not been mentioned. Locating burial sites and recovering remains for a proper burial is an important example.

The limitations of the HRV process need stating as well, the most important being that the largest group of victims did not have their stories told. These were the millions of black South Africans who suffered systemic oppression every day of their lives, but were not direct victims of "gross human rights violations." They included the millions who worked for appalling wages, the residents of District Six in Cape Town, Sophiatown near Johannesburg and so many other communities who were forcibly relocated, the bright young people who were excluded from their preferred vocations, and those prevented from marrying someone they loved who happened to be of a "different race." This comment is offered not as a criticism so much as an acknowledgment of the limitations of truth commissions. The TRC had a much more broad scope and many more resources than most, but it still had to set parameters to its explorations. The choice to restrict investigations to the realm of gross human rights violations precluded other important kinds of inquiry, while making the work of the commission manageable. The negative consequences of this choice were moderated by the fact that the HRV Committee, in institutional hearings and elsewhere, did examine the apartheid system as a whole as a human rights violation.

Those who were not victims or enemies of the apartheid regime also paid close attention to the HRV Hearings. Many whites expressed shock at the actions of their former government. It is not uncommon to hear Afrikaners voice anger over a sense of betrayed trust. They lived in, and most of them accepted, a paternalistic society in which there was a kind of unspoken contract. Essentially, the authorities said "give us your support and leave us to the difficult task of running this conflicted country and we will protect you and advance the destiny of the Afrikaner people." Most Afrikaners accepted these terms, even if unconsciously. Now many feel that the destiny of their people has run into a wall and its honour has been tainted. There is a crisis of conscience within Afrikanerdom. Their special mission as a people apart has turned to dust and many are acutely aware of the extent to which they became anathema to the international community. There are a number of responses to the crisis. Some hold to the old vision and advocate a withdrawal into an Afrikaner homeland where it can be lived out, even if in modest form. Others call for the abandonment of the Afrikaner language and culture. Most fall between these two extremes. Of course, this crisis was present before the TRC was launched. But the hearings seem to have served the purpose of tearing off some of the veils of self-deception. Many are glad for this. They sound a bit like Yazir as they assert that the TRC has created a space in which the Afrikaner people are forced to face their past. Others gave up on the TRC because they felt that it had become too politicized. Some believe that the TRC has become an ANC-led witchhunt, but they are the uninformed minority.

Before the commission began its work many whites had this exact fear, but they have mostly changed their minds as they have witnessed investigations into human rights violations committed by the liberation organizations alongside the investigations into

state-sponsored atrocities. The leadership of Archbishop Tutu has also helped. His rhetoric of forgiveness and his willingness to stand up to the ANC government left many whites with an impression of fairness.

As mentioned at the beginning of this chapter, a basic challenge of a truth-telling process is to ensure that the appropriate people are talking (in the appropriate way) and the appropriate people are listening (in the appropriate way). Tutu's leadership was strong in this regard. He was an engaged and empathetic listener who was willing to show his own emotional vulnerability. Because of his stature, those who testified before him had the sense that the nation was listening. His speeches expressed a powerful desire for reconciliation, but he did not shy away from the horrific nature of the incidents being discussed. He offered respect to all participants, but did not shy away from prodding perpetrators toward contrition or victims toward forgiveness.^{XLI} Leadership from other commissioners was also helpful in most cases.

With the HRV Hearings, the TRC got off to a strong start. Representatives of the majority population of South Africa, which had been made largely powerless and voiceless for so long, were telling their stories and the whole nation was listening - the privileged and the marginalized alike. As the work of the commission progressed into the later HRV hearings and the seemingly endless Amnesty Hearings, however, many South Africans started to reach a point of information (and emotion) overload. This weariness, combined with a progressive politicization of the process (not in the hearings themselves so much, but in the public and media response), has left many citizens less than

enthusiastic about the TRC. It may be that this fatigue was inevitable, given the scope of the history to be uncovered, but one wonders if a better timeline could have been found. My guess is that the annoyance felt toward the TRC will fade as time passes, and will be replaced in significant measure by a gratitude for the truth that has been uncovered. It is hard to imagine a country going through an inquiry of this magnitude without there being some short-term burn out.

Willie is an earnest young man working on an undergraduate degree at an Afrikaner University. His father was an important official in the apartheid government. He went to school and socialized almost exclusively with other Afrikaner children. Like many white kids, he was isolated by his parents, teachers, and the media from the explosive reality of life in South Africa during the nineteen eighties. When he was a young teenager, he was climbing Table Mountain (the mountain which rises behind and towers over Cape Town) with some friends. One of his friends' fathers pointed to a small island in the waters off the Cape and said: "there is Nelson Mandela." He was pointing to the infamous Robben Island, which was serving as a prison for Mandela and many of South Africa's other important political prisoners. The physical reality of Mandela's exile struck a nerve. In the early nineties, after Mandela was released, Willie attended a school where many of the other students were sympathetic to the ANC. Because of his father's prominence in the National Party, his relations with his fellow students were sometimes awkward. During discussions with his father, he has raised the issues of how much officials like himself knew about the activities of the security apparatus, and why actions were not

^{XLI} His willingness to push for forgiveness may have been problematic. This issue will be discussed in Chapter Eight.

taken to curb them. Today he shows both pride for his father's accomplishments and a concern to find a history of his people that is honest. He seems dedicated to the task of finding a worldview that embraces both the new South Africa and the legacy of his forbears. He says that the HRV Investigations have been helpful in this regard.

The HRV Investigations and Forgiveness

Common Responses to TRC Truth-Telling Process^{XLII}

Response	Common Among
Past should have been left alone	whites, members of security forces
TRC was witch hunt	whites, members of security forces
TRC was biased against whites/old regime	whites, members of security forces
TRC was a good idea but became too politicized	whites, some blacks
TRC went too far, lasted too long	whites, some blacks
TRC provided foundation of truth for new country	blacks, some whites, anti-apartheid activists, victims of human rights violations
TRC cleansed wounds of past	blacks, some whites
TRC did not go far enough	blacks, anti-apartheid activists

Did the truth-telling facilitated by the HRV Committee advance the cause of political forgiveness in South Africa? Did it help make the people and peoples of South Africa more forgiving? These are extremely complex questions, and it may be too early to attempt to answer them, but a few comments can be made.

^{XLII} Reported in this table are my perceptions of general trends based on my interviews, other conversations, and media reportage. There are many individuals, of course, who serve as counter examples to the trends I describe. To see survey data on perceptions of the TRC process among South African whites and blacks, see the Conclusion.

In the introductory chapter I asserted that forgiveness has an inner grammar and that the forgiveness processes which adhere closely to this grammar are more likely to be fruitful. Naming the harm done, apology or confession, and the offering of forgiveness are important parts of any drama of forgiveness. All three of these were acted out many times during the course of the HRV Hearings. Witnesses named the harm done and powerfully communicated its effects on their lives. Perpetrators frequently admitted to and apologized for their acts. A surprising number of statements of forgiveness were made by victims or their surviving relatives. Does this mean that the HRV investigations and hearings constituted a process that embodied the full grammar of political forgiveness? No, they did not. Many dramas of *personal* forgiveness with significant political implications did reach fruition during the hearings, but there has been no comprehensive consummation of forgiveness on a national scale. It would, of course, be folly to think that this could be accomplished in such a short time. Instead, what the HRV Committee has achieved is to begin^{XLIII} and to give no small amount of momentum to the process of truth-telling that constitutes act one in our drama of political forgiveness. The curtain has also been partially raised for act two, but (as we shall see in the next chapter) more apologies and admissions of culpability are needed.

Has the work of forgiveness been advanced in any other ways? Philosophical definitions and psychological models of forgiveness have highlighted resentment and fear (especially the former) as emotions that need to be overcome in a drama of forgiveness. What can be said of the HRV Hearings in this regard? Let's begin with resentment.

^{XLIII} One could argue that the process had already been launched by other institutions.

Unfortunately, it is clear that the deliberations of the HRV Committee have fostered some resentment. Surprisingly, a significant locus of this resentment has been the ANC government that gave birth to the TRC and the segment of the citizenry that identifies with the ANC. Consternation with the TRC (this includes all committees not just the HRV Committee) on the part of the ANC leadership was so strong that the party made an unsuccessful bid to block the release of the final report in 1998. To understand the bad feelings of the ANC leadership, it is helpful to recall Kader Asmal's hopes for the TRC. He predicted that it would generate a discourse that legitimized the ANC's actions during the years of struggle, including violent actions, and would place those actions on a different moral plane than the actions of the apartheid regime. Many observers, myself included, feel that the TRC and its final report have fulfilled this hope. Some others, including many party faithful, feel that the TRC gave something akin to equal attention to all gross human rights violations, no matter who committed them. They argue that the holding of special hearings into ANC abuses alongside those into abuses by the security apparatus gave the impression that the two were of the same ilk. While this development is unfortunate, and has had lamentable consequences in terms of the ANC's abandonment of the TRC reparations work,^{XLIV} it is not the whole story. It can equally be said that the HRV inquiries have helped South Africans to surrender a measure of resentment.

The South African whites who had supported or accepted apartheid were already tired of being portrayed at home and around the world as anathema. Many did not feel optimistic about their future as a minority in a country run by people who saw them as such. But those who had fumed with the assumption that the commission would simply serve as a

^{XLIV} See Chapter Five for more on this.

large scale indictment of the white minority were surprised to see that the investigations were more nuanced, and that the commission might actually serve as a watershed.

Resentment is often an emotional cover for feelings of guilt. The hearings offered a forum for that guilt to be acknowledged and dealt with. Perhaps they have helped white South Africa to move on toward a newly important place in the country's future. The tone of the TRC leadership and the emphasis on reconciliation also caused many former supporters of apartheid to let go of some of their rancor, but the most important factor was probably the revelations of the HRV Hearings themselves. There was a realization that, even if only half of the reported atrocities were true, the majority population of the country had been wronged in a profound way. With this in mind, it was more difficult for the privileged minority to nurture resentment about their own difficulties.

Many blacks were able to surrender long held frustration and bitterness when agents of apartheid were exposed for all the nation and the world to see, and when the privileged were forced to acknowledge the evils of the system from which they had benefited. Few things cause as much resentment as forces of oppression that hide behind a façade of legitimate national service. Even those who were not given the public exposure of the G7 mothers, for example, seemed to feel vindication by proxy: "we were right!" they are now free to cry. The receipt of vindication can lead to the surrender of resentment in equal measure. More important than vindication, perhaps, is the length that the HRV inquiry went to reestablish the dignity of the majority population. Those who had portrayed non-whites (especially Africans) as less than fully human were now being forced to acknowledge that *they* were the ones who had committed inhuman acts or supported an inhuman system. The victims of this system were now being heard, empathized with,

honoured, and memorialized daily. Not all black South Africans have experienced the truth-telling as balm for their bitterness, but no small number have.

Although fear has not received as much attention as resentment in the forgiveness literature, it may well be of equal importance, especially for political forgiveness. It is difficult to forgive someone when you suspect that they may inflict harm again. We are only seven years from the transition to democracy in South Africa, but the re-establishment of the apartheid regime seems impossible. Black South Africans did not have the comfort of this perspective during the early days of the TRC. They had been living for decades with the knowledge that the government, the bureaucracy, the security forces, the judicial system, and other institutions were filled with their enemies - most of their faces unseen. These agents of apartheid were not only men and women, but in the psyches of millions of blacks, they were also ghosts and monsters: hidden beings with unknowable power over their lives. After the transition to the new government, most of these people (except for the politicians) kept their jobs. It was quite reasonable for black citizens to wonder what they were up to. Would they continue to serve their old masters, only now in a more covert manner? When the security agents were exposed and interrogated at HRV Hearings their stature diminished. They no longer had the power of the unseen. When the Institutional Hearings put a spotlight on the judiciary, the police, the military, the media, etc., the shadows began to disappear and South Africans were comforted with the realization that there would be no return to the old way. It was at this point that black South Africans could at least begin to see their former enemies *as former enemies*. Before this has been achieved there is not much point in contemplating political forgiveness.

As whites witnessed the HRV Hearings they began to realize that there would be no witch-hunt. The new government had chosen vindication through truth-telling rather than vengeance. This said a lot about the intentions of the new regime. Combined with the rhetoric of reconciliation coming from President Mandela, and the absence of drastic moves by the new government - such as purging public institutions, nationalizing industry, or imposing massive land reform - the tone and format of the TRC helped to reassure whites that their citizenship would be fully acknowledged in the new South Africa. They would not be treated as they had once treated their black neighbours. Many felt not only relief, but also gratitude for the grace they were receiving. As their fear lessened, their capacity to empathize with those crushed by the old regime grew. It is important not to overstate this shift in attitude. Many observers, myself included, feel frustration that whites are not more aware of the gift they have received or of their responsibility to atone. It is disconcerting that more whites are not willing to acknowledge their support for the apartheid regime. There has been a shift, however, and significant steps are being made by some Afrikaners and English South Africans, including some important leaders, to enter into the dialogue of forgiveness as confessors.

This leads us to an important topic for political forgiveness. Apologies by wrongdoers or public figures can give a great boost to forgiveness, especially if they are skillful. In the following chapter we will examine the dynamics of apology and explore a context in which they have been tested.

Chapter Five

Act Two: Apology and the Claiming of Responsibility

An Almost-Apology Backfires

President F.W. de Klerk's decisions to decriminalize anti-apartheid organizations and to accept free and fair elections hastened the end of apartheid and probably prevented a bloody civil war. These actions earned him a Nobel Prize (shared with Nelson Mandela) and much international acclamation. To a large extent, however, he shares the fate of Mikhail Gorbachev; he is respected internationally as a courageous and wise statesman, but is the object of much contempt at home. It may not come as a surprise that hardline Afrikaner nationalists feel contemptuous of de Klerk, but many human rights advocates and former foes of apartheid are equally derisive. Why is this? Part of the reason lies with the support state security forces under his authority gave to the Inkatha Freedom Party during its prolonged and bloody clash with the ANC in Kwazulu-Natal. But there is an equal amount of scorn for de Klerk's actions (or lack thereof) since leaving the presidency. There is a broad perception that he has not accepted responsibility for his contributions to the apartheid state and its violence while serving as a minister and later as president. When de Klerk made a statement during a political party hearing in May of 1997, he spoke to an issue at the heart of this perception: whether or not he had apologized for apartheid.

Firstly, a number of commentators as well as my political opponents continue to claim that I have not apologised for apartheid. This is simply not true. ... They equate the efforts that I made, and may I say at the Commission's request, to try to explain in context the circumstances which gave rise to apartheid with some or other attempt to defend or justify the policies of the past. The latter has never been my intention.

Let me place once and for all a renewed apology on record. Apartheid was wrong. I apologise in my capacity as leader of the National Party to the millions of South Africans who suffered the wrenching disruption of forced removals in respect of their homes, businesses and land. Who over the years suffered the shame of being arrested for pass law offences. Who over the decades and indeed centuries suffered the indignities and humiliation of racial discrimination. Who for a long (sic) were prevented from exercising their full democratic rights in the land of their birth. Who were unable to achieve their full potential because of job reservation. And who in any other way suffered as a result of discriminatory legislation and policies. This renewed apology is offered in a spirit of true repentance, in full knowledge of the tremendous harm that apartheid has done to millions of South Africans.¹²⁷

This is a powerful statement, which appears to represent an unqualified apology. One would think that words such as these, from a source such as this, could serve as an example for the kind of statements needed from South Africa's former leaders. In an earlier essay,¹²⁸ I made just this point and praised the statement as a model apology. It seems that Mr. de Klerk's many critics saw things differently. Many South Africans, who had lived through decades of bloody episodes for which the former president was admitting no foreknowledge or personal responsibility, felt that he had not gone far enough. He failed to mention the many murders committed by the security forces during his presidency and the time he was a senior minister. Later in his statement he distances himself from these crimes. His detractors convincingly argue that a president who does not know the actions of his government forces is making a choice to be ignorant. By looking the other way, he gave them free reign. Many felt that it would be more honourable to own up to this fact and to apply for amnesty than to hide behind ineffectual denials.

Was de Klerk's apology a failed act, indeed a failed sequence of acts? Did he put an obstacle in the way of the goodwill he was trying to advance? Perhaps so. In any case, this is a fascinating example of a speech act that is increasingly common in political and institutional discourse: the official apology. Recently, there have been many other cases.

Cardinal Sin has apologized to the poor of the Philippines, saying the church has neglected them, leaving them as easy prey for selfish, powerful people. The Pope has apologized for the sacking of Constantinople and Christian culpability in the Holocaust. American Presidents have apologized for the interment of Japanese Americans and predatory medical testing programs.

Nicolas Tavuchis' Sociology of Apology

Such acts can be of great importance in contexts where political forgiveness is sought, but they can backfire if done unskillfully. What makes for a good apology? The sociologist Nicholas Tavuchis explores this question in his book *Mea Culpa: A Sociology of Apology and Reconciliation*.¹²⁹ Tavuchis' analysis of apology begins at the level of interpersonal dynamics and works from there. Even at this level, apology is not private matter between offender and injured; it "speaks to something larger than any particular offense and works its magic by a kind of speech that cannot be contained or understood merely in terms of expediency or the desire to achieve reconciliation."¹³⁰ The "something larger" is the grounds for membership in a moral community. Any person's relationships and group affiliations are dependent upon conformity to the specific and general norms of the moral community that encompasses those relations. Apology becomes relevant when those norms are violated and one's membership in the moral community becomes less secure or stable. When an apology is offered and accepted, there is an often-painful remembering of the moral community and a reinforcing of its norms. The offender recalls, and is recalled to, the moral fabric of the community by personally acknowledging responsibility for the breach, expressing genuine sorrow and regret, and promising to

keep the rules in the future. This secular ritual not only serves to reconcile alienated parties, but it also reinforces moral standards and makes them more visible.¹³¹

Tavuchis' grounding of apology in moral community speaks to the power of apology in the context of the TRC's HRV Hearings, especially apologies from former supporters of apartheid to members of the majority population. An apology offered by a white offender to a black victim contains a subtext that says "I was wrong to believe that we were not members of the same (moral) community," or, in other words "I was wrong to believe that my humanity and your humanity were not of the same order."

In *Mea Culpa*, Tavuchis examines a number of acts of public repentance, but one serves as an especially helpful example for those seeking to clarify the dynamics of formal apologies. This is an apology from the United Church of Canada to that country's First Nations. It rose out of a long and ambiguous history of interaction between the two parties. A dozen years later it was followed by a second apology, and in between there was a "statement of repentance." At times the words and actions of the United Church and its leaders were skillful, at times they were quite the opposite. An examination of this behavior and the concerns and contingencies that stood behind it promises to teach us much about the politics of apology. To begin, let us take a brief look at the history of relations between the United Church and Canada's Native Peoples.

The United Church of Canada (UCC) was founded in 1925, but its history of exchange with Native Canadians extends back into the eighteen hundreds. The United Church was formed by the amalgamation of Methodist, Presbyterian, and Congregational denominations. Methodist contact with aboriginal peoples in Upper and Lower Canada

led to the formation of native congregations around Montreal and some parts of Ontario. By 1840 British Methodists were working in northwest Canada as chaplains to the Hudson Bay Company and missionaries to the Indians. According to the United Church's brief to the Royal Commission on Aboriginal Peoples (1993), most missionaries in this period adapted to the Native way of life rather than expecting the reverse, and native ministers and teachers rose to prominence within the Methodist churches that were established in that area. In the eighteen sixties and seventies things began to change. The British missionaries began to return home and white settlers started to move into this area and across the prairies. The Methodist Church of Upper Canada followed this westward expansion. The UCC brief to the Royal Commission admits that native churches were marginalized within the decision-making structures of the church and that the denomination operated under the assumption that "assimilation (later the word became "integration") was the destiny of Indians in Canada." From the early nineteen hundreds until the nineteen sixties, church-run residential schools were central instruments of this assimilation.¹³²

Beginning in the early nineteen seventies, the United Church began to rethink the place of Native members and congregations within the denomination. Participants in these congregations were asking questions about their role in the church. Some Native elders completed a training program leading to ordination and full-time ministry. In 1977 the General Council (the highest court of the United Church, which meets every two to three years) initiated a thorough evaluation of the church's Native work. This evaluation process, including several Native-organized national consultations, produced two especially significant developments. The first was a formal apology by the denomination

to its Native congregations. The second was a system of self-government for Natives within the United Church.

In the periods between the meetings of the General Council, the United Church is guided by the General Council Executive. In the mid-nineteen eighties a Native representative to that body, Alberta Billy, concluded the presentation of a report to the executive by saying, "It is time you apologized to Native people."¹³³ The agenda for the meeting was suspended and the executive took the time needed to seriously discuss the proposal. It was decided that the National Native Council work on a process. Pamphlets were sent to all United Church congregations informing them of the request for an apology and asking them to reflect on it. The matter was brought before the 1986 General Council in Sudbury, Ontario. Native leaders requested the apology and then all First Nations commissioners left the assembly to wait at the sacred fire outside. They waited for two hours while the rest of the commissioners discussed the matter. In the end, only twelve of the three hundred commissioners voted against the proposal. The assembly joined the Native commissioners at the fire and the Moderator of the United Church offered these words:

Long before my people journeyed to this land your people were here, and you received from your elders an understanding of creation, and of the Mystery that surrounds us all that was deep, and rich and to be treasured. We did not hear you when you shared your vision. In our zeal to tell you of the good news of Jesus Christ we were closed to the value of your spirituality. We confused western ways and culture with the depth and breadth and length and height of the gospel of Christ. We imposed our civilization as a condition of accepting the Gospel. We tried to make you be like us and in so doing we helped to destroy the vision that made you what you were. As a result you, and we, are poorer and the image of the Creator in us is twisted, blurred and we are not what we are meant by God to be. We ask you to forgive us and to walk together with us in the spirit of Christ so that our peoples may be blessed and God's creation healed.¹³⁴

The Native elders' only response was to say "We must go back to the people," but there was a celebration and dancing with a drum. Some of the elders were very happy and

responded positively as individuals, others were less sure that the apology signaled a real change of heart and policy by the church. They exhibited a wait and see attitude.

The formal response came two years later at the 1988 General Council in Victoria, British Columbia. Representatives of the newly formed All-Native Circle Conference^{XLV} (ANCC) acknowledged the apology, but did not accept it. Rev. Alf Dumont, the speaker of the ANCC, explained that “In the native way, apologies are not ‘accepted’, they are acknowledged. (This is because) an apology must be lived out if it’s to be a real apology. The church is being asked to live out its real apology.” He pointed out that the church had been instrumental in the oppression of First Nations.¹³⁵

We might ask why the church did not perceive its need to apologize until 1986 - or how it could have allowed itself to become an instrument of oppression in the first place. Whole nations of people were being denied basic rights to perpetuate their way of life and their culture, to have a voice in the education of their children, to provide leadership in the institutions that served them. How could this go unnoticed for so long? The clue lies in Tavuchis’ notion of moral community. Like Canadian society at large, church members did not see Native people as belonging to the same moral community as themselves until

^{XLV} The national Native consultations identified a need for (and a dream of) Native self-government within the church. The organizational structure of the United Church moves from pastoral charge (parish), to presbytery, to conference (there are twelve conferences covering the geography of Canada), to General Council. The move to self-government began with the formation of Keewatin Presbytery, an all-Aboriginal presbytery in Manitoba and Northwestern Ontario Conference. More presbyteries of this kind were formed in other areas, and in 1988 the All Native Circle Conference became the United Church’s thirteenth conference. Unlike the other twelve, its boundaries are not defined by geography. It has approximately thirty-five congregations from Quebec to Alberta. They come together annually at what is called the Grand Council. The Native congregations in British Columbia Conference did not join the ANCC, but most of them come together as part of Prince Rupert Presbytery. While the ANCC is considered a conference within the national structure of the United Church, its functioning has many unique aspects. The ANCC operates through a consensus model of decision-making, and honours both Christian and Aboriginal spiritual traditions.

they were assimilated into the growing “European” society that was becoming Canada.^{XLVI} There was no felt need to justify the norms of the moral community when dealing with Aboriginal people because they were perceived to be standing outside of that community. For the churches, Native conversion to Christianity would have been a necessary step toward inclusion. It is difficult to say whether it would have been sufficient. In any case, conversion to Christianity was understood to include the adoption of a whole host of “European” cultural values, mores, and manners that are now recognized by the majority of United Church members as being extraneous to the religious core of the Christian faith. Until those values, mores, and customs were adopted by Natives, they were not perceived to be in possession of rights provided by membership in the larger moral community.

By the nineteen seventies and eighties the membership and leadership of the United Church had made significant progress in abandoning this culture-laden understanding of the faith. Also, there was a growing acceptance that non-Christians were also the “children of God”, and as such had a place in a global moral community. With this change in perspective came the realization that the rights and integrity of First Nations had been violated in a whole host of ways. Significantly, the apology by the United Church was not only an action aimed at restoring the church’s place in a global moral community, but an important public acknowledgment of the place of Aboriginal people, culture, and nations in that moral community.

^{XLVI} The line of thought in this paragraph is mine. not Tavuchis’.

Unlike accounts, explanations, or appeals to special circumstances, which rationalize the offender's actions and seek to distance her from them, an apology requires an unqualified acknowledgment and a painful embracing of the deed(s). Tavuchis describes a successful apology as the middle term in a "moral syllogism" that begins with a call and ends with forgiveness. The process begins with the naming of the offense and its mutual identification as an "apologizable" action. Second is the apology itself. The offender stands unprotected, accepts responsibility for her actions, forgoes recourse to account, explanation, or mitigating circumstances, and expresses sorrow and regret. The sincere expression of sorrow is of central import. Finally, there is the response of the injured party. She may accept the apology and release the offender through forgiveness, refuse to accept the apology, or acknowledge it while deferring a decision on forgiveness. According to Tavuchis, the act of apology itself is crucial, not the offering of symbolic or material restitution.¹³⁶

Apology's bedrock structure is always binary (offender – offended), but apology between groups, institutions, or segments of society is not just a larger scale version of private apology. Tavuchis explains that the sequence of steps remains the same, as does the appeal to a larger moral order, but at the center of public apology the importance of the expression of sorrow gives way to the "compulsion to generate unambiguous speech;" to place the wrongdoing "on the record." In an apology "from the many to the many," such as the United Church apology, individuals do not figure as principals, but as official attendants or representatives. The weight of their words comes from their position of speaking and acting on behalf of a larger body. There is a move into a formal, official, and public discursive world. The wording of apologies has little room for spontaneity,

elaboration, or qualification. Ambiguity carries too much danger. Institutionally licensed apology is scripted, and tends to be composed of language that is abstract, remote, and emotionally neutral. Does the lessened import of sorrow in public apology mean that it is less powerful or transformative than private apology? Tavuchis says no. Public apology gains reparative capability through the symbolic import of putting things on the record, of documentation as a prelude to reconciliation.¹³⁷ While he does not use the term, Tavuchis appears to be evoking the power of public *truth-telling*.

When Tavuchis examines the United Church apology, his interest is not primarily to discover the extent to which it fostered reconciliation between the parties, but to flush out the dynamics of apology from the many to the many. Despite this, analysis does provide some clues to the former concern. He states that the apology discourse between the United Church and its Native constituency was the culmination of complex historical circumstances that served to both bind and estrange the two groups. He juxtaposes the emotional and intimate setting for the apology and the personal responses offered by Native leaders with the formal and official speech of the text of the apology itself, and asserts that there is a tension generated by an attempt to satisfy the requirements of both personal and collective discourse. He calls the acknowledgment without acceptance of the apology a “nice touch” that served to credit its good will without releasing the church from the consequences of what it had participated in. Finally, he says there is little doubt that the apology vented the source of mutual “disquietude” and paved the way for structural changes in the relations between the denomination and its Native members.¹³⁸

This is a good analysis of the apology, and it highlights some of the important dynamics of the reconciliation process as a whole. Firstly, the legacy of United Church interaction with First Nations has bound its Native congregations to the denomination in a way that produces great ambivalence. Native members have gratitude for exposure to the gospel, and many hold the missionaries who first enabled that exposure in high esteem, but there is anger and grief over the role of the church in the colonization of their physical territory and world of meaning. Secondly, the reconciliation process bounces back and forth between the macro-dynamics of relations between the United Church and Canada's First Nations on the one hand, and the micro-dynamics of interaction between individuals and small communities on the other. Despite its geography, the world of the United Church can be quite small. At times the reconciliation process looks like a matter internal to the denomination. At other times it seems to carry all the weight of the intercourse between Canada and its First Nations. At times the process needs to be carried forward by formal, official discourse and action. At other times it can only move forward through the expression and healing of deep emotions such as sorrow, remorse, rage, and grief. Thirdly, the apology was an event of deep meaning for many Natives and non-Natives, a watershed for the denomination, but it was not a time of closure. The structural and spiritual place of Natives within the church has shifted and grown, but, echoing the words of some of the elders at the time of the acknowledgment, they are waiting for the church to "get real", to give up power and control, and to enter fully - with risk - into the struggle for Aboriginal justice in Canada.

The apology to Native congregations was a formative event for the United Church, marking a significant shift in the role of Native people and congregations within the

denomination. Native leaders became important leaders for the entire denomination, and Native spirituality and wisdom with regard to decision-making and community building began to inform the life of the denomination in a variety of ways. All of this led church members to believe in ever increasing goodwill between Natives and non-Natives. The United Church was coming to see itself as an important organization in solidarity with Aboriginal Peoples as they pursued justice within Canadian society. Perhaps this perception was more common among non-Aboriginal members of the church; it is difficult to know. What is clearer is that this positive momentum was slowed by developments in the mid-1990s pertaining to an important aspect of the United Church's interaction with Indigenous Canadians: residential schools.

Both the Methodist and Presbyterian forbears of the United Church were running residential schools by the end of the nineteenth century. After the turn of the century, the residential school network greatly expanded under a system of government and church cooperation. In 1923, two years before church union, the Methodist Church was operating five residential schools for Native children, and the Presbyterians were operating seven. At the same time the Anglican Church was operating twenty such schools and the Roman Catholics forty. In the nineteen thirties the United Church reached its peak of thirteen schools. The numbers slowly dwindled over the following decades until the denomination was no longer overseeing any Native residential schools in 1969.

These schools played a central role in the efforts of Canadian society, governments, and religious institutions to assimilate Aboriginal peoples and destroy their culture. In many cases, officials from the federal Department of Indian Affairs and representatives of the

churches worked together to force reluctant Native families to release their children for education in these schools. Upon arrival, most of the children were not allowed to keep their language, their dressing and grooming habits, or their customs. Most suffered emotional, spiritual, and cultural abuse. Many suffered physical abuse, and some became victims of sexual abuse. Native resistance to the schools was unrelenting. It was expressed in the form of parent boycotts, chronic absenteeism, run-aways, dropouts and the burning of school buildings. The United Church's brief to the Royal Commission confesses that "the residential Schools were premised on a racist understanding of the superiority of European civilization," and that they contributed to "a rapid and often brutal disintegration of the Aboriginal way of life."¹³⁹

In recent years, the denomination has been forced to come to terms with this legacy. By the late nineties, a number of lawsuits involving hundreds of former students had been launched. Some of these arose from cases of physical or sexual abuse, others focused more on the loss of language, culture, and living skills. It was becoming clear that church liability could potentially run into many millions of dollars. British Columbia Conference of the United Church formally petitioned the 1997 General Council to apologize for the church's role in Native residential schools. The request was not fully granted. On the suggestion of church lawyers, General Council decided to "repent" of the church's role in residential schools, but not to apologize, because an apology would jeopardize insurance coverage. While some Native commissioners to the General Council agreed with the choice to repent, others were upset, feeling that the church had chosen a path toward sophistry and obfuscation.¹⁴⁰

The decision to "repent" instead of apologizing became a symbol of the denomination's overall approach to the lawsuits. It did not deny responsibility and started to take measures to foster healing for individuals and communities that were suffering from the legacy of the schools, but it also went to great lengths to defend itself in court - even when that meant forcing former students who had been sexually abused to undergo difficult cross-examination. This approach caused much controversy across the denomination.

A group called the Task Force on Residential Schools of British Columbia Conference decided to respond when the national church appealed the judge's ruling in the first lawsuit. They circulated a brief document called "Reflections on the Decision by the General Council Executive of the UCC to Appeal". It was written by one of the task force's members, Terry Anderson, and provided a helpful analysis of the church's dilemma. In it, he asserted that, within the church, there had been two predominant reactions to the revelations of abuse at UCC residential schools and to the legal implications associated with those revelations. For one group of church members the overriding feeling upon hearing the revelations was remorse: shame and regret over the sins of commission and omission for which the church stood guilty. Out of this complex of feelings came a goal: "The prime goal of the church's response to its wrong-doing should be to acknowledge its responsibility, express sorrow, repent, and seek forgiveness from and reconciliation with God and native peoples – especially those most directly affected. We might call this the 'repentance/reconciliation' goal." For another group of church members, the predominant reaction was alarm that their denomination was under attack. This sense of alarm was heightened by a general consensus that the number of

suits would grow, and by a perception that the church might ultimately have to pay a crippling financial cost. Out of this reaction came a different goal: "The prime goal of the church's response to attack should be a defense that will minimize damage to the church. We might call this the 'defense' goal."

Anderson's straightforward analysis strikes to the heart of the dilemma faced by anyone who realizes that he has done wrong. On the one hand is the urge to come clean, to purge oneself of the taint of wrongdoing by confessing the offense and seeking forgiveness. On the other hand, there is a fear of the vulnerability that such an act would require. A full and unqualified apology requires that the offender stand unprotected before the one he has harmed. This predicament becomes more complicated at the level of community or institutional relations. The choice to stand unprotected could have serious consequences for structures and resources in which many people have vested interests. With this in mind, one can see why F.W. de Klerk felt unable to come fully clean. Perhaps he would have been willing to suffer the vulnerability himself (or perhaps not), but this would have opened the door to making all or at least senior apartheid officials liable for human rights violations. In a subsequent chapter, we will examine the way dynamics such as these influenced many, often tortuous, decisions over whether or not to seek amnesty.

Anderson acknowledged that both reactions - defense and repentance - were natural and appropriate, but he criticized the position that the General Council was taking in relation to the two goals. Its position was that the two goals could be held together, that there was no fundamental incompatibility between the goals, and that both could be pursued at the same time. Anderson saw this perspective as flawed, and outlined a number of ways in which the goals were incompatible. His most convincing and evocative passage looked at

power relations between the church and those who suffered as a result of the residential school system:

Regarding the church's power vis a vis the victims and native peoples: the two goals lead in opposite directions. The defense goal entails seeking to maintain power over the victims – we must control or at least influence as much as possible the decision as to what is "owed" to whom, and remain as much as possible masters of our own destiny. The object is to minimize the church's vulnerability. This sets us as protagonists against the victims and their relatives. Of course, we pledge to use any such power we may obtain for good. As champions of the poor, we will help native people to get the government to confess, be an instrument to clarify the law regarding "vicarious liability," be generous toward the victims once our security is reestablished, and the like. But this tends to blind us to the central issue. Do we not see how absurd this must sound to the plaintiffs who are victims of the misuse of such power over them by those pledged to pursue their well-being?

Anderson asserted that the church must ultimately choose which of the two goals would be given a greater priority, and argued that the General Council Executive's policy of holding the two goals together had led to a course of action that displayed a *de facto* prioritizing of the defense goal. Speaking on behalf of the entire task force, he called for the reversal of these priorities, and voiced strong frustration with the national church. Again, this resonates with de Klerk's incomplete apology. He actually said many of the things that needed to be said, things that other apartheid leaders such as P.W. Botha have not even come close to stating, but his unwillingness to go all the way and totally abandon protective armour left observers feeling frustrated and contemptuous. His clinging to the defense goal poisoned the whole series of speech acts.

It was not long before there was a broad perception in the United Church that something similar had happened with the statement of repentance. An act of repentance can be powerful, and it is not always necessary to use the word "apologize," but the knowledge that this word had been avoided for legal purposes generated a lot of cynicism among Natives and non-natives alike.

In October 1998, the General Council Executive met to continue its work on the residential schools situation. After a two-day process of reflecting on the meaning of repentance, it was decided finally to apologize for the church's role in the residential schools. The apology, issued by the Moderator, began in this way:

I am here today as Moderator of The United Church of Canada to speak the words that many people have wanted to hear for a very long time. On behalf of The United Church of Canada I apologize for the pain and suffering that our church's involvement in the Indian Residential School system has caused. We are aware of some of the damage that this cruel and ill-conceived system of assimilation has perpetrated on Canada's First Nations peoples. For this we are truly and most humbly sorry.¹⁴¹

This apology did not serve as the same kind of watershed as the 1986 apology. Once again, the Native leadership within the denomination was being careful with its reactions. They waited to see if words would be followed by meaningful actions, and if the church would be willing to become vulnerable in its relations with First Nations – and with survivors of a school system that all too often took advantage of its students' vulnerability. Since the time of the apology, however, there has been a shift in the tone of dialogue over residential schools. The pessimism within the denomination has moderated, and some steps have been taken toward out of court settlements, alternate dispute resolution, and the work of reconciliation. Not all of this can be attributed to the apology, of course, but it can be argued that it at least removed a barrier.

Personal and Public Apology at the TRC

The tension between personal and public discourse present at the time of the United Church's first apology was not unique; it could be witnessed repeatedly during the proceedings of the Truth and Reconciliation Commission. The hearings of the

commission - both Human Rights Violations Hearings and Amnesty Hearings - were set up such that interpersonal interactions were zoomed in upon as moments of import in the transformation of the nation. Hearings in which a perpetrator or two faced a cluster of victims were given the status of a parable in the text of the nation's reconstitution.

When one is at an amnesty hearing observing such a moment, time and space take on strange dimensions. At times the dialogue is intensely personal, especially when victims or survivors recount their suffering in front of its agent. But then a lawyer or a commissioner inserts legal or bureaucratic logic between them. One cannot help notice the cameras and tape recorders. During one hearing, I moved back and forth between a feeling that I was witnessing a sacred ritual and disgust over the voyeurism of it all.

Placing this kind of political import on unrehearsed conversation between private citizens involves a considerable amount of risk. Private apologies take on political import. When they are uttered, there is no assurance that they will be skillful. In the case of apartheid security policemen there was good reason to think that they would not be. These men had, through their training and experience, stunted the very empathic faculties that are so important in this kind of dialogue. One televised apology - that took place not during a hearing but when a security policeman visited the family of one of his victims - serves as a good example.¹⁴²

The encounter took place in the main room of the family's modest house. The policeman was white and the family was African. The policeman sat in an armchair and faced the now-elderly father and mother. In the nineteen eighties their son, Sphiwo Mtimkulu, had been taken into police custody on suspicion of political activity. He was in his early

twenties at the time and had an infant son. As a result of his treatment in custody, he died. The policeman had taken part in his interrogation and had been present when the young man's body was disposed of. He was welcomed into the house, the mother being especially gracious. After offering an apology for the death of the young man, he asked for forgiveness. His words seemed sincere. Again, the mother responded with grace and stated her willingness to forgive. First, however, there were details to be uncovered. She and her husband wanted to know what kind of torture their son had suffered and how he had met his death. The policeman responded that he had neither participated in nor witnessed any torture and had not been present at the death. He was pressed on this point, and became confused.

It was becoming clear that his insight into the dynamics of apology and forgiveness was severely restricted, as was his ability to empathize with the family. In a banal tone, he explained that he had come to apologize and to seek forgiveness and the appropriate next step was for it to be offered. One had the sense that he was unable to grasp the emotional power of the situation, and that he had learned about forgiveness in a rote fashion. Perhaps he had been encouraged to seek forgiveness in support of his amnesty application. It is possible that he had repressed his memory of what had actually happened to the young man, and was recounting what he believed to be true. Such repression might partially explain his banality. Whatever the reason for his lack of emotional and communicative dexterity, it was starting to undo this opportunity for reconciliation. Pressed again, he was unwilling or unable to offer any more details or to claim any more responsibility. Out of the view of the camera, the son of the young man who had disappeared almost twenty years ago was listening and filling with anger. Now

approaching the age at which his father had disappeared, he did not possess the patience of his grandmother. The visit was brought to an end when he picked up a vase (or a bottle) and smashed it over the policeman's head, fracturing his skull. The policeman survived the incident and pursued his amnesty application.

This was only one of the hundreds of interactions between perpetrator and victim(s) fostered by the TRC, but it was witnessed by hundreds of thousands if not millions of South Africans. What impressions endured for those viewers? The grace of the mother? The original sincerity of the policeman? The picture of a former agent of the apartheid order coming to an African township hat in hand? Or only the quick burst of violence at the end, symbolizing the failure of this essay in bridge-building?

This episode was certainly more physically dramatic than most of what happened at the TRC Hearings, but it was not wholly anomalous. The grace of the old African woman, her surprising willingness to forgive was matched time and again. So was the ineptitude of the policeman. During the Amnesty Hearings it was surpassed by many agents of apartheid who clumsily tried to do just enough to receive pardon while losing as little face as possible. Fortunately, there were many more skillful apologies and acts of contrition from former lieutenants of apartheid, and of the organizations that had combated it.

The architects of the TRC made a decision not to follow the route of the German commission. There, researchers had chased the truth and then served it up in academic and emotionally tempered language. During the deliberations of the TRC, a tableau was

Painted with all the beauty and ugliness of the human soul. Such a backdrop is necessarily ambiguous, highlighting the need for unequivocal speech from public figures. In its Institutional hearings, the HRV Committee gave government, business, church, and other leaders an opportunity to reflect on the activities of their institutions during the apartheid era. These were opportunities to make apologies, but it was difficult to do so in an unmitigated fashion because speakers were asked to make just the kinds of reflections that can serve as qualifiers: explanations of why individuals and organizations acted the way they did. Of course, apologies or statements of contrition in any context are usually followed by explanations. It is human nature to want to know why things happened the way they did. The trick of skillful speech is to offer repentance and explanation in such a way that neither undoes the other.

One piece of testimony at the Business Sector Hearing serves as an interesting example of the search for this kind of skillfulness. It comes from a Mr. Desmond Smith, the managing director of SANLAM (a large financial services company that was mostly Afrikaner-managed, and which flourished during the National Party reign).¹⁴³

With regards to our submission, we, the individuals constituting the present board and management of SANLAM, acknowledge that in conducting its business, SANLAM functioned in a political and social environment which violated human rights on enormous scale and was fundamentally wrong, immoral and unjust. We furthermore acknowledge that this environment caused untold hardship, suffering and grief to the people of colour and further that SANLAM as a member of a privileged group benefitted from Apartheid in one way or another, relative to members of disadvantaged groups.

Chairperson, this unjust system which I have just described and the suffering it caused people of colour, leave us with a deep sense of sadness and regret. Regret and sadness that we, the enfranchised citizens of the country allowed the system of hurtful, institutionalised violations of human rights to be established and developed in this country.

If Mr. Smith's intention is to apologize, he has made a good start. But he quickly moves from what Anderson would call the goal of repentance to the goal of defense.

In our submission we refer to a specific issue which I should like to address. Steve Biko was tortured in a SANLAM building in Port Elizabeth. I refer to paragraph 13 of our submission. In cases where the security police of the former Government were tenants of SANLAM property, we had no access to such offices.

As is the case with the current Government, our leases specified in respect of such properties and I quote:

"The lessor is aware of the lessees prescribed security measures which will at all time be adhered to. No access to the premises will be allowed unless the lessees prior permission is obtained." The end of the quote. SANLAM thus had no prior knowledge of cases of violation of human rights on its properties and like the general public we had to rely on available public information through media reports on that time - at that time the allegations against security police actions.

Reading the text of Mr. Smith's statement, one feels pained by the speed with which he moves from repentance to defense. It may well be that SANLAM was not culpable, but this was not the time to assert that fact. There is a sinking feeling that the opportunity was lost. But almost as quickly, he switches back to a confession of the complicity of SANLAM and its employees in the unjust system of apartheid. He then enters, with apparent sincerity, into the task of seeking to understand how and why this happened. With a nod to the dynamics of a good apology, he says "May I stress we advance these prospectives (sic), not as an explanation - as an explanation for inaction, not as an excuse or a justification."

Most of the businessmen and women, church leaders, media representatives, and so on who spoke at the Institutional Hearings would have been given limited freedom to speak on behalf of their constituencies. It is rare enough that a individual comes to the place of surrender and courage that enables him to stand naked in the light of his wrongdoing. It is almost impossible for a board of directors to reach that place. Even with these fetters, however, some speakers were able to bend their presentations toward the grammar of apology. To the extent that they were able to do this, they nudged forward reconciliation.

Some did better than Mr. Smith, some worse. His offering provides an instructive example because it contains elements of the kind of rhetoric that advanced the work of reconciliation through taking responsibility and the kind of rhetoric that falls short.

Apology and Moral Community

Even when it was clumsy, or clumsily communicated, the work by institutional leaders to reassess the past behavior of their organizations made a valuable contribution toward changing the mindset of South Africa's elite. It also opened dialogue between representatives of different constituencies. This raises once again the issue of moral community. Before the early nineties, the same could be said of South Africans of European origin that was said earlier in this chapter of Canadians of European origin: most of them did not consider the "indigenous" people of their country to belong to the same moral community as themselves.

Mr. Smith's expressions of remorse for the hardship that apartheid caused "people of colour" do not only signal a change in perspective for white leaders, they also draw upon a new nomenclature of race relations. While the new phraseology is far from ubiquitous, it is spreading with some force. Some in South Africa protest that this development represents a post-1994 political correctness, but this complaint seems to come most from those who stand to lose relative status from a deconstruction of the old social hierarchy. Can this linguistic reformation be explained solely by a shift in power relations since the election of the ANC, as the cynics suggest, or does it signal the integration of previously alienated moral communities into a larger whole? Many Mr. Smiths have had to rethink

the relations of their institutions and communities with Africans, Indians, and people of mixed race. They have also been forced to deal on an everyday basis with an increasing number of "people of colour." Have these reflections and encounters redrawn for them the boundaries of moral community?

The exclusion of blacks from the "European" moral community was only sometimes responded to in kind. As a case in point, we might look to the respective liberation philosophies of the Pan African Congress and the African National Congress. The PAC was explicitly anti-white in its rhetoric and actions. For its members, there was no place for Europeans in South Africa. This philosophy evolved to the point that a "one settler, one bullet" approach had been adopted by the early nineties, leading to some of the most infamous acts of violence by anti-apartheid organizations.

The ANC lived a different philosophy. Its belief and teaching was that whites were not the problem, systemic racism was. Under Nelson Mandela's leadership in the 1960s, the ANC followed other anti-apartheid groups into the sphere of violent action. The organization turned to armed conflict, but its policy of striking infrastructure and non-civilian targets was largely followed. Some ANC lieutenants did commit gross human rights violations - many of them against Zulu's in the Inkatha Freedom Party - but the organization did not adopt a racist policy or succumb to a racist philosophy. It held up an ideal of a racially inclusive moral community and fought to have it become a reality. A number of whites rose to places of leadership within the ANC, most notably Joe Slovo, a prominent communist who became commander of MK.

This speaks to an issue raised in the previous chapter by Kader Asmal: the distinction between violence in support of the apartheid regime and violence oriented toward its overthrow. One may quarrel with the decision to turn to violence at all, or with operational decisions made by the ANC, but Asmal and others are correct in arguing that the violence employed by the ANC was of a different order ethically than that employed by the police, the military, and such bodies as the Civil Cooperation Bureau.^{XLVII}

This discussion has wandered somewhat from the topic of apology. We will find our way back shortly, but let us first consider the issue of moral community a little further. In general, I take the term to mean a fellowship of persons who believe that they owe each other "good treatment" or behavior guided by accepted human standards. There is an assumption of shared and symmetrical rights and duties. To a great extent, South Africa's racial groups have lived as separate moral communities throughout that country's history. There was certainly conflation of these moral communities, but not in such a way that rights and duties were shared and symmetrical.

This leads us back to our discussion of apology. Apologies from members of one racial group to members of another have a special power to advance the integration of moral communities. This is especially true for apologies offered for actions that arose out of a belief that the recipients of those actions were not worthy of the good treatment reserved for one's fellows. Such apologies contain a subtext that says "I was wrong to believe that we were not members of the same moral community. I now realize that we have the same rights and responsibilities in relation to each other." These speech acts advance the

^{XLVII} For more on the employment of violence by the ANC, see Chapter Three.

integration of moral community "from below," from a position of humility. This is very different from attempts to integrate moral community by shaping those outside one's community to resemble those inside. As mentioned earlier, during much of the twentieth century this was the approach of "white" Canadians toward members of First Nations - an attempt at integration from above.

The receivers of such apologies are being granted a measure of power to determine future relations. A number of options are available to them. They can refuse to accept the apology. Such a rejection could serve as a refutation of the perspective that the two parties should become members of one moral community. It is, of course, possible that a rejection would arise from other issues or contingencies, but let us set these aside for the moment. The receivers can acknowledge the apology without accepting it, as did the Native leaders within the United Church of Canada. This action could serve as a statement that there is an interest in integrating moral community, but more concrete changes are needed first, especially on the part of the party offering the apology. The receivers can accept the apology without offering further gestures of reconciliation. This response could convey the following message: "we acknowledge that we owe each other a measure of good treatment, but there are limits to the extent that we are willing to recognize you as fellows." It is *possible* that a statement of forgiveness would be offered along with such a response. Finally, the receivers can accept the apology and offer further gestures of reconciliation. It is quite likely that a statement of forgiveness would accompany this response. Once the recipients of the apology articulate their response, the "ball is back in the court" of the apologizing party.

Accepting Responsibility: A Step Beyond Truth-telling

Apologies certainly function as a part of the larger process of truth-telling. This was true during the Human Rights Violations Hearings, the Institutional Hearings, and the Amnesty Hearings of the TRC. But, beyond the recounting of past events, apologies take an extra step toward political forgiveness: the claiming of responsibility. This is another reason why apologies advance the work of reconciliation and the integration of moral communities. When people accept responsibility for past actions, it becomes easier to trust them.

Unfortunately, there is a broad perception in South Africa that former supporters of the apartheid system are not taking this step. When I visited in 2000, I heard dozens of people make the wry observation that for forty years there were enough supporters of apartheid to elect the National Party every time, but now none of these people could be found. By 1997, Kader Asmal was commenting that "It is already fashionable amongst privileged South Africans to concede apartheid's moral and political weaknesses. Few can be found to admit that they supported apartheid in the past."¹⁴⁴ A lamentably high proportion of the people who benefited from and supported apartheid seem to have chosen Anderson's defense goal.¹⁴⁵

Before the peaceful transition of the early nineties, economically advantaged South Africans - almost all of whom were white - were very afraid that an ANC victory would mean a turbulent reversal of the economic as well as the political order. Adding to their psychological stress was the knowledge that, in the eyes of the majority population and

much of the world, they were living a morally indefensible life. People living under this kind of pressure rarely find it easy to be self-critical; this is true of their thinking and even more so of their speech. They tend to build psychic defense mechanisms, as individuals and as communities. Given this, it should not come as a surprise that privileged citizens are slow to acknowledge and accept responsibility for their role in South Africa's past. Most observers know this, but many of us are still dismayed with the durability of the denial. The worst fears of the advantaged have not come true. Instead, Nelson Mandela and other leaders of the new government have gone to considerable lengths to assuage them.

Why, then, are the beneficiaries of the old order not more willing to acknowledge their roles, and to apologize? It is true that a number of "Mr. Smiths" (and the organizations they represented) agreed to make statements of accountability to the Institutional Hearings, but there were many who did not. Not one judge could be convinced to attend and participate in the Legal Hearings, for example. Even if more sector leaders had participated in the hearings, there would still be a need for statements and gestures of accountability to be made in many other forums. Citizens with good intentions cannot easily find such forums.

One of the nice touches of the TRC was to establish a register of reconciliation. Mary Burton, the commissioner who proposed the register, explains: "The register has been established in response to a deep wish for reconciliation in the hearts of many South Africans -- people who did not perhaps commit gross violations of human rights but nevertheless wish to indicate their regret for failures in the past to do all they could have

done to prevent such violations; people who want to demonstrate in some symbolic way their commitment to a new kind of future in which human rights abuses will not take place."¹⁴⁶

The register is available on-line for people to peruse or to add their own statement. The following statements reproduce common sentiments. The first comes from a fifty-three year old white male.

Throughout my life I have consistently held the view that our society was un-Christian, wrong and unfair -- it is my single biggest regret, that although vocal, I was not more "active" in making my views take a more practical form. An armchair critic cannot be vindicated if one doesn't produce change in the face of opposition! For this inactivity I am truly sorry. The opportunity was there, I had the motivation -- and in many small ways tried to address the balance -- but failed to make a significant contribution.

Peter French, East London, SA

To all South Africans of colour and other people who suffered under the injustices of the apartheid system, I say I am truly sorry. The lifestyle I now live has been made possible because others were disadvantaged.

I pledge to be positive and support the New South Africa not only to make up for past inaction but also in gratitude for having been fortunate enough to have experienced the birth of this wonderful new society.

Don Lindsay, Henley on Klip, SA

I'm sorry that through all the years of "knowing" what was going on, I, like many other South Africans, was too scared in the knowledge of the draconian rule of the Nationalists, to do something constructive to end the curse on our people.

Peter Davis, Cape Town, SA

Perhaps these sentiments are more common than we know. In the Register of Reconciliation, there are hundreds of such declarations. A sad reality is that most of the people who were marginalized by apartheid are not in a position to surf the web and read documents like the Register of Reconciliation. Some of these people have found their way to the register, and have left offerings of their own.

As a non-white being hurt by the injustices of the past I wish to apologise to my fellow white South-African for hating them for what they have done during the time of apartheid. As many whites were brainwashed about the evils associated with blacks I was brainwashed to hate whites. Until about 5 months [sic] ago I found it quite difficult to forgive whites for the hurt they caused our people. But in the spirit of reconciliation and as a result of the work done by the TRC I believe I have made the paradigm shift. I do forgive you. We are all brothers and sisters in Christ.
God bless Africa!

Andre Damon, Elsie's River, SA

One wants to believe that there are many millions of South Africans who carry the sentiments of Andre Damon, Peter Davis and company. Vicious circles of resentment certainly colour South Africa. Comments like those above give hope that virtuous circles of good will exist as well. An important task for the builders of interracial community will be to get the Andre Damons and the Peter Davises together in dialogues that spin virtuous circles.

Once apologies have been offered or accountability has been verbalized in other ways, the work of accepting responsibility is not over. Quite the opposite. As the Native leaders within the United Church of Canada have said, an apology must be lived out to be real. In the next two chapters, among other concerns, we will explore the question of restorative justice and take a look at the reparations component of the TRC. We will also consider retributive justice. Some of the apologies given at the TRC were for horrendous acts. Should the people who offered these confessions be left to walk away Scott free, or is a greater sacrifice required of them? There is a temptation to offer answers to these questions based on a visceral understanding of justice. Our gut feelings about what is right and true are important but, in countries making the fragile transition from oppression to democracy, they must be balanced against other considerations. Every

context has its own contingencies, and it is only with these in view that a society can articulate its own definition of transitional justice.

Chapter Six

Act Three: Building a Transitional Justice Framework

Part One: The Amnesty Option

This chapter and the next one will function as companions, and will together comprise our discussion of the third act in our Drama of Political Forgiveness. The task of this chapter is to describe the South African amnesty process, which was built into the Truth and Reconciliation Commission, and to examine some of the debates and discussions that surrounded it and informed it. A number of challenges, dilemmas, and issues related to justice in transitional democracies will come up. They include dignity for victims, accountability for perpetrators, the need to build a human rights culture, distributive justice, the threat of vengeance, and the connection between justice and reconciliation. Here, we will examine these issues in a fairly practical fashion, and with reference to the work of the TRC's Amnesty Committee. In the next chapter, the same issues will be revisited with a view to the entire TRC process. Our aim in that chapter will be to flush out the demands and contours of *transitional justice*. The debate between proponents of restorative justice and defenders of retributive justice will be of particular pertinence.

George Bizos is a South African lawyer famous for his defense of Nelson Mandela and many other leaders of the anti-apartheid movement over a period lasting more than three decades.^{XLVIII} In 1988 he was asked to chair an optimistically organized conference on the constitution of a post-apartheid South Africa. During the discussions between academics and leaders of the liberation movements, the question of what would happen to violators of human rights was raised.

A member of the ANC executive in exile eagerly related his feelings on the issue. He recounted some of his own experiences at the hands of the apartheid state, and reminded the group of other, well known violations. He insisted that the only acceptable option was to hold Nuremberg-style tribunals. Those who had murdered, bombed, tortured, and committed other horrible acts in the defense of state racism could not be pardoned. Referring to them derogatorily as "Boers," he insisted that they be tried and convicted for crimes against humanity. No compromise was acceptable.

Among those invited was Albie Sachs. A lawyer who had vigorously opposed apartheid, Sachs later became a judge with South Africa's (post-apartheid) Constitutional Court. While teaching in Mozambique, his car had been bombed and he had suffered serious injuries across his upper-body, losing one arm above the elbow. Mr. Bizos chose to recognize advocate Sachs' surviving hand among the many that had shot up after the ANC executive member finished his comments. Sachs argued that calls for vengeance would delay the dawn of freedom. Looking directly at the previous speaker, he said "Comrade, if I can forgive them I am sure many more will do so."

Laurie Ackerman, an Afrikaner human rights professor, was the next to speak. He had earlier served as a judge, but had become disillusioned with the apartheid legal system and had given up his post. While on the bench, he had been respected by Bizos and others for his rulings and lights sentences during political trials. With his voice cracking, he

^{XLVIII} Bizos is widely considered a brilliant attorney and is believed have participated in more political trials than any other lawyer in the world.

*said that as Afrikaner he knew what oppression was. His grandmother had died in a British concentration camp during the Second Boer War. He ended his remarks there, but all understood the implication: not all Afrikaners should be tarred with the same brush.*¹⁴⁷

The arguments of all three of these men are moving and convincing. In them we see some of the important, and often conflicting, imperatives of societies struggling to make the transition from an oppressive regime to one that is broadly respectful of human rights. There is the imperative to try and to punish those leaders and footsoldiers responsible for atrocious acts; but it is also essential to do what is necessary to bring about "the dawn of freedom." There is an imperative to name the architects and the agents of oppression; but this must be done in a prudent and exacting fashion. Condemning whole segments of society for the actions of some of their members (even if they are numerous) would itself be a violation. Once the day of freedom has come, those responsible for formulating a nation's transitional justice arrangements are between a rock and a hard place, especially when it comes to retributive justice: too much punishment for past actions would constitute a new injustice, but so would too little. The first two speakers quoted above can be seen as giving voice to two different kinds of justice, which need not always be in conflict. The ANC Executive member called for a form of *retributive* justice, advocate Sachs asserted the legitimacy of *restorative* justice. In transitional democracies there is often hot debate about the legitimacy and appropriate expressions of these two forms of justice. In the next chapter, which serves as a companion to this one, the two comprising Act Four in our Drama of Political Forgiveness, we will entertain some theoretical reflections on retribution and restoration. In this chapter, we will take a look at the

judicial arrangement that sparked what may well be the greatest incarnation of this debate so far: South Africa's amnesty process.

The Individual Amnesty Adjudicated by the TRC

From reunified Germany to Chile, from Uganda to the Philippines, successor regimes have had to decide what to do about the unlawful actions of leaders and agents of the former government. Of course, it is rare that human rights have been violated only by those on one side of a conflict, even in countries like Zimbabwe where there was a clear difference in terms of the moral credibility of the parties. This is especially true where change has come through armed struggle. When the struggle ends, one of the most urgent, and dangerous, tasks for those left holding power is to decide what to do with perpetrators of political crimes. In Chile, not much could be done about the horrendous crimes of General Augusto Pinochet and his minions because they retained control of the armed forces. In Zimbabwe, supporters of Ian Smith's white regime feared reprisal after they lost the civil war, but Robert Mugabe, the new president, showed surprising restraint and concern for reconciliation.^{XLIX} The current government of Rwanda has held trials and executions for Hutus implicated in the genocide of 1994. International agencies have criticized these trials for not observing due process.

A number of factors influence decisions regarding redress for wrongdoing. They include: the strength of judicial and law enforcement institutions; the presence or absence of a

^{XLIX} It is easy to forget this, in light of more recent developments. It must also be noted, that Mugabe's forces were much more severe in their treatment of members of certain other black liberation movements.

culture of respect for human rights; the measure of power retained by members of the old regime; the vigour of civil society; ethical/religious traditions; other cultural resources and traditions; the level of interest that the international community holds in the country; and the dispositions, efficacy, and magnitude of power of the new leaders. These and other factors combine to produce responses that range from impunity to orgies of revenge.

In an effort to find an "ethic of just vengeance," Donald Shriver asks the question, "what measure of punitive response is due a wrongdoer?" He outlines a spectrum of possible answers, arguing that both the strongest and the weakest answers constitute lawless responses.¹⁴⁸

- ✓ *Terror* is the response of amoral, autocratic powers to actions that they oppose. The motto of terrorism is, "For damage to one of our eyes, we put out all the eyes we wish." This response was frequently employed in South Africa by the state security forces. The Sharpeville massacre of 1960 and the killing of student protesters in Soweto in 1976 are prominent examples. Attacks on civilian targets like St. James Church and the Heidleburg by guerrilla groups associated with the PAC can be called incidents of terror.
- ✓ *Vindictiveness* is a "first cousin to terror." It gives a nod to the idea of proportion, but still has a motto of, "Two eyes for one, or a few more for good measure." Again this response was often employed by South African security forces. It was also in evidence during the ANC-Inkatha conflicts of the early nineties.
- ✓ *Retaliation* is response in kind: "An eye for an eye, a tooth for a tooth." There is a long, well-honored tradition of retaliation referred to in Latin as *lex talion*. While this

practice can have real value in the prevention of vengeance, it is difficult to put into practice because exact retribution is elusive.

- ✓ *Punishment* describes a variety of social disciplines. Its motto is, "For your hurt, we hurt in return, but not necessarily in kind. Above all we must reassert the standards which you have defied; our punishment must not defy them either." The official courts and the people's courts in South Africa strove to employ this response. They often failed, the former because of unjust legislation, and the latter by succumbing to the temptation of vindictiveness.
- ✓ *Restitution*, or restorative justice, moves by the motto, "Restore what was lost." It follows the imperative to "put it all back," but this can be almost impossible given that many of the things destroyed by unjust action cannot be put back together again. Yet there are ways that restitution can diminish tragedy where retaliation would add to it. The TRC has been struggling to employ this response. Some South African businesses claim that their social investments amount to restitution.
- ✓ *Protest* is the response of those who say "Let us live with the loss, but let us at least name its injustice." This response was widely employed in South Africa by anti-apartheid groups, spontaneous gatherings of people, and organizations like churches.
- ✓ *Passivity*, like terror, belongs to the moral-political spectrum only as a boundary. Both are lawless. Terror is the anomie of the powerful, passivity the anomie of the powerless. This response was widespread among whites and blacks in South Africa and was preached by some churches.

Ten years ago in South Africa, among apartheid's opponents, there were people calling for (and enacting) each of these responses. Granted, most of those who espoused

passivity had been supporters rather than opponents of apartheid. Their mottoes were "let bygones be bygones," and "forgive and forget," and their rationale was that South Africans of all backgrounds could only move forward by putting the past behind them. Fortunately, the leaders of the new government rejected both this logic and its polar opposite - the calculus of terror. During the period of transition and the early days of the new government, the character of Nelson Mandela was formative for the nation. He possessed an extraordinary combination of unshakable strength and unbroken compassion. There would be a reckoning with the past, an ample and arduous one, but it would be conducted with fairness and a view to rapprochement. Archbishop Desmond Tutu, a South African whose moral force was second only to Mandela's, explains in his Chairman's Forward to the *Final Report* of the TRC why a process of adjudicated, individual amnesty was chosen. He begins with a response to those who had called for Nuremberg-style tribunals.

There were those who believed that we should follow the post World War II example of putting those guilty of gross violations of human rights on trial as the allies did at Nuremberg. In South Africa, where we had a military stalemate, that was clearly an impossible option. Neither side in the struggle (the state nor the liberation movements) had defeated the other and hence nobody was in a position to enforce so-called victor's justice.

However, there were even more compelling reasons for avoiding the Nuremberg option. There is no doubt that members of the security establishment would have scuppered the negotiated settlement had they thought they were going to run the gauntlet of trials for their involvement in past violations. It is certain that we would not, in such circumstances, have experienced a reasonably peaceful transition from repression to democracy. We need to bear this in mind when we criticise the amnesty provisions in the Commission's founding Act. We have the luxury of being able to complain because we are now reaping the benefits of a stable and democratic dispensation. Had the miracle of the negotiated settlement not occurred, we would have been overwhelmed by the bloodbath that virtually everyone predicted as the inevitable ending for South Africa.

Another reason why Nuremberg was not a viable option was because our country simply could not afford the resources in time, money and personnel that we would have had to invest in such an operation. Judging from what happened in the De Kock and so-called Malan trials, the route of trials would have stretched an already hard-pressed judicial system beyond reasonable limits. It would also have been counterproductive to devote years to hearing about events that, by their nature, arouse very strong feelings. It would have rocked the boat massively and for too long.¹⁴⁹

In these paragraphs and the ones that follow, Tutu makes a number of important and defensible points relevant to the decision to allow perpetrators to avoid prosecution and civil suit by participating in an amnesty program. First, amnesty was entrenched in the Interim Constitution, which served as the negotiated agreement ending apartheid and the armed struggle. Two of the three major parties to that agreement - the National Party and the Inkatha Freedom Party - wanted a blanket amnesty, and may have assumed that there would be one when the agreement was made. The third party, the African National Congress, also had proponents of amnesty among its leadership, which is not surprising, given that ANC deputies were responsible for a significant number of human rights violations, but the organization was opposed to a blanket amnesty. Even though the form of the amnesty had not been determined when the ANC won national elections in 1994, refusal to have one was not an option.

Second, Tutu is quite right in asserting that the security forces, or at least elements within them, would probably have rebelled if there had been no reprieve for past actions. It is easy to forget the danger of renewed fighting now, given South Africa's relative political stability, but when newly-elected president Mandela was presented on a Cape Town dais with white generals standing behind him and air force jets flying overhead, observers understood the ambiguity in the show of support. Those jets, along with the rest of the country's military might were still under the authority of the officers who had garrisoned apartheid and commanded the men who committed many of its most abhorrent acts. Some of them made it clear that obedience to their new political masters depended on clemency for past acts.

Third, a broad process of criminal prosecution of apartheid perpetrators was not realistic. It would be too expensive, would stretch an already strained criminal justice system beyond the snapping point, and, if due process were followed, would probably result in few convictions - especially of those who had held senior positions. This was demonstrated by the trial of defense minister Magnus Malan for authorizing hit squads and assassinations. The trial lasted a year and a half, cost the government twelve million Rand (roughly three million U.S. Dollars at the time), and ended with an acquittal.¹⁵⁰ One of the things learned during the trial and the amnesty process, was that National Party politicians and senior military and police officials had insulated themselves from legal culpability for the atrocities committed by those under their command. Direct orders to commit such and such an act were never given. Instead, in vague but surely decipherable language, underlings were instructed to "deal with" certain individuals and groups. When, in the late eighties and nineties, a few of the soldiers and policemen who committed these acts were apprehended and charged, their seniors hid behind these veils of doublespeak. This stands as an enduring testimony to not only the ruthlessness but also the cowardice of the men who ran apartheid's enforcement machine. In his testimony to the TRC, F.W. de Klerk made recourse to this kind of sophistry.¹⁵¹

Fourth, criminal trials are not a very good way to facilitate a broad process of truth-telling. Rules of evidence limit the amount and form of testimony, and the threat of punishment discourages defendants from being forthcoming with the truth. They are also harrowing experiences for victims, sometimes to the point of preventing their coming forward.

After replying to calls for Nuremberg-style tribunals, Tutu turns his attention to those who hold the opposite position: that actions before 1994, even horrible ones, should be left alone; that there should be a blanket amnesty. To make his point, he recounts the experience of the central character in Ariel Dorfmann's play, *Death and the Maiden*, which is set in a South American country that has endured the oppression of a dictatorial regime and is now conducting a truth commission. A woman ties up the official who has devastated her. She is ready to kill him for repeating the lie that he did not rape or torture her. Only after he confesses, is she willing to let him go. Tutu's interpretation is that "His admission restores her dignity and her identity. Her experience is confirmed as real and not illusory and her sense of self is affirmed." Tutu reference to this dramatic representation implies both that many South Africans have the same needs as Dorfmann's protagonist, and that they might turn to violence, as she did, until these needs are met through truth-telling. He believes that "the past will not lie down quietly;" if its wounds are not attended to, they will putrefy and burst open in further violence. Cleaning the wounds requires a knowledge of what happened, and why. Once the details and motivations of trauma-inducing actions are uncovered, steps can be taken to assuage the trauma. Remembering that a mother at one of the hearings cried out, "Please can't you bring back even just a bone of my child so that I can bury him," Tutu explains: ¹⁵²

For all these reasons, our nation, through those who negotiated the transition from apartheid to democracy, chose the option of individual and not blanket amnesty. And we believe that this individual amnesty has demonstrated its value. One of the criteria to be satisfied before amnesty could be granted was full disclosure of the truth. Freedom was granted in exchange for truth. We have, through these means, been able to uncover much of what happened in the past. We know now what happened to Steve Biko, to the PEBCO Three, to the Cradock Four. We now know who ordered the Church Street bomb attack and who was responsible for the St James' Church massacre. We have been able to exhume the remains of about fifty activists who were abducted, killed and buried secretly. ¹⁵³

He is right to assert that many more details are known than would be if perpetrators had not been forced to meet the criterion of full disclosure before receiving amnesty for any given violation. The Human Rights Violations Hearings and investigations uncovered a wealth of evidence about killings, beatings, acts of torture, and other violations, but a lot more information came out, often about the same events, when amnesty applicants gave written and verbal testimony. There was a snowball effect. When one applicant named an accomplice or a superior who had given orders, that individual was informed by the TRC, and invited to apply for amnesty himself. A good example of this is the application of five army officers who killed unarmed demonstrators. They identified General Johan van der Merwe as the one who had ordered them to fire; the latter then saw the wisdom of making an application himself, introducing a senior officer into the truth-telling process. Van der Merwe then implicated two of *his* seniors. In the end, over seven thousand applicants sought protection from prosecution and civil suit, astounding those who had estimated that only about two hundred would apply.¹⁵⁴

It is important to be clear about the fact that the South African amnesty process was not designed by Chairman Tutu and the other commissioners of the TRC. As with other aspects of the commission's work, the framework for the amnesty process was delineated in the Promotion of National Unity and Reconciliation Act of 1995, which in turn was constrained by the provisions of the Interim Constitution. Like all pieces of parliamentary legislation, this act was the product of negotiation, lobbying, party power relations, and the other factors that come into play in the arena of national politics. It is also important to remember that the cabinet which approved this legislation was not made up entirely of ANC politicians. After Nelson Mandela was elected president in 1994, he formed a

government of national unity and invited opponents like F.W. de Klerk and Mangosuthu Buthelezi (the leader of the Inkatha Freedom Party) and representatives of several parties to serve in the cabinet. As such, the Act and the amnesty processes outlined within emerged from a passage through the waters of debate and compromise.

Those who designed and approved the amnesty provisions had several options before them.

- ✓ They could have mandated a blanket amnesty, of the kind that de Klerk and Buthelezi supported. This option was not acceptable to the ANC leadership, which, like Tutu, was committed to a format that would produce truth-telling and clarify accountability.
- ✓ They could have mandated an adjudicated amnesty format that required applications, testimony, and even hearings, but which occurred behind closed doors. In fact this format was originally chosen by cabinet as a compromise between its National Party and ANC members, but when this decision was made known, human rights organizations and NGOs successfully contested it.¹⁵⁵ Such a format could have included semi-private hearings, akin to court hearings, with photo taking and audio taping excluded. The conclusions of such hearings could have been part of the public record.
- ✓ They could have mandated an adjudicated amnesty format that included public hearings, forcing applicants to undergo the strain of confessing their culpability in front of victims and observers, but requiring no other sacrifices of them. Essentially, this was the format chosen.
- ✓ They could have mandated an adjudicated amnesty process (behind closed doors or in open view) that required applicants to accept *lustration*, the surrender of positions

within the government or any of its agencies as well as the right to hold such positions in the future. This option may have been rejected because of fears that it would discourage applications, thereby reducing the number of perpetrators who would participate in the truth-telling, or because the advocates of amnesty in the cabinet and elsewhere considered it an unacceptable truncation of the immunity sought. Certainly, there would have been an element of unfairness in having those human rights violators who cooperated with the truth-seeking of the TRC lose their positions, while violators who refused to participate kept theirs. Such a sifting would also have had detrimental effects on government agencies. It would have removed their most experienced employees.

- ✓ They could have mandated an adjudicated amnesty process (behind closed doors or in open view) that required applicants to make restitution to their victims or to society at large. Again, this may have been rejected because of the likelihood of deterring applications and the unfairness of having cooperative individuals suffer consequences that non-cooperators avoided. Unfortunately, the lack of a restitutorial element caused the amnesty process to have a fundamental moral imbalance. Victims lost something, the right to sue or prosecute their oppressors, without gaining compensation for this loss. The reparations component of the TRC was designed to redress this imbalance, but it has failed quite badly, vindicating in some measure the predictions of the TRC's critics who argued that it would prove to be a "perpetrator-friendly" undertaking.

In the end, cabinet and parliament approved an amnesty process with the following characteristics:

- ✓ Amnesty was offered (only) for "the violation of human rights through (a) the killing, abduction, torture, or severe ill treatment of any person; or (b) any attempt, conspiracy, incitement, instigation, command or procurement to commit an act referred to in paragraph (a)," ¹⁵⁶
- ✓ Amnesty was offered (only) for those violations "which emanated from conflicts of the past and which [were] committed during the period 1 March 1960 to 10 May 1994 within or outside the Republic,"¹⁵⁷
- ✓ Amnesty was offered only for violations "the commission of which [were] advised, planned, directed, commanded or ordered, by any person acting with *a political motive*."¹⁵⁸ (Italics mine) Human rights violations that were motivated by personal gain, personal vengeance or other non-political ends, even racist ones, were excluded. The onus was on the applicant to prove her attachment to a political organization or cause.
- ✓ Amnesty would only be granted if the members of the Amnesty Committee, who were charged with making the decisions to grant or withhold amnesty, were satisfied that the applicant had *fully disclosed* his role in and knowledge of the act or event for which he was making application. This imperative forced applicants to name collaborators, accomplices, and superiors.

To help determine whether an act was political, and to include the yardstick of *proportionality*, the Norgaard principles were adopted.^L According to these guidelines, the following factors are to be taken into account:

- ✓ The motive of the person who committed the act, omission or offense;

^L These principles came from Carl Norgaard, a president of the European Human Rights Commission.

- ✓ the context of the act;
- ✓ the legal and factual nature of the act, as well as the gravity of the act;
- ✓ the object or objective of the act;
- ✓ whether the act was executed in response to an order or on behalf of or with the approval of a political organization or the state;
- ✓ the relationship between the act and the political objective pursued, and in particular the directness and proximity of the relationship and the proportionality of the act to the objective pursued.¹⁵⁹

President Mandela, after a thorough nomination and interview process, named the seventeen commissioners to the TRC in December of 1995. Shortly afterward this group began meeting. One of the first orders of business was to assign each commissioner to one of the TRC's three committees. The Committee on Human Rights Violations was given eight commissioners, the Committee on Reparation and Rehabilitation five commissioners, and the Committee on Amnesty three commissioners. Two individuals who were not commissioners were added to the Amnesty Committee. Three of the five members were judges and a fourth an advocate. It is not clear why so few members were assigned to the Amnesty Committee. Perhaps it was felt that the committee would not be able to reach decisions on the cases before it if were too large. Perhaps the explanation lies in the fact that early predictions were for only a few hundred applications, which would have left the committee with less work than the others.

In any case, the workload of the committee - as well as the political and administrative

challenges facing the TRC over amnesty-related issues - grew to proportions far beyond original expectations. The snowball effect of amnesty applications gained momentum throughout 1996, leading to calls for an extension of the deadline for applications, which had originally been set for December 14, 1996. At midnight on May 10, 1997, the revised deadline for amnesty applications, the committee had received over seven thousand applications. It was estimated that about 2,500 of those would warrant a public hearing. All of the applications would have to be screened and judged by members of the committee, who were also responsible for convening, three members at a time, each of the public hearings. It soon became clear that this was too much work for five people. By November of 1997, the committee was expanded to include seven new members. Again, most of these were judges or advocates. Even with the new members, it was clear that the committee would not complete its work in the originally envisioned time frame. When the *Final Report* (to be expanded and revised at a later date) of the TRC was presented in the fall of 1998, amnesty hearings were in full swing. As late as June 2001, amnesty decisions were still being made.

It is difficult to imagine what life must have been like for members of the Amnesty Committee and for the other officials of the commission - such as Chairman Tutu, Vice Chairman Alex Boraine, the directors of the research department, and Dumisa Ntsebeza, the head of the Investigative Unit - who were implicated in the amnesty process. The controversy over the granting of amnesty, and over the selection of the method of adjudicating it reached red-hot intensity at home, and garnered a lot of attention around the world. None of the political parties represented in the cabinet that had approved the amnesty process ended up acting in a very helpful fashion in relation to it (more on this

below). The commission had to face a number of court challenges over the amnesty design and some of the committee's decisions.

The South African poet and journalist Antjie Krog gained unique insight into the functioning of the TRC as she covered its work for the radio service of the South African Broadcasting Company. Her book, *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*, provides a succession of stirring accounts, including these two about the amnesty committee:

Three days before the (original) amnesty deadline. I'm sitting in one of the passages at the Truth Commission offices, studying the amnesty rulings on twelve applicants. The Amnesty Committee has made its findings public under pressure from the Truth Commission itself: desperate lawyers and advocates have been complaining to the commission that only two amnesty rulings have been made so far. As a result, legal representatives cannot fathom how the Amnesty Committee is interpreting the law and don't know how to advise their clients or prepare their cases. And the committee offers them no guidance.

As I'm writing down the names in my notebook, I hear Alex Boraine roaring down the hallway: "Bring it all to my office - I don't understand these people."

I crane my neck: Boraine never raises his voice. I grab a staff member who comes running by. "What's going on?"

"Actually, you're not supposed to be here yet. Please don't report about the amnesty rulings, we still have to add some names to the list."

I do some calculations. Of the twelve amnesty applications, seven were awarded. All seven are black ANC members. Of the five who were refused, four were white. This will not go down well among the people who are being encouraged to apply for amnesty.

When the list is eventually released, it includes the names of another four successful applicants. All four are white right-wingers.

Now where is this coming from?

When Boraine saw the initial list, I hear later, he was furious. He phoned one of the judges: "Have you not given amnesty to any white people?"

"No-well, we have ... Where are those names? ... They must be somewhere."

"Send them through," Boraine hissed.¹⁶⁰

Just before midnight (on the day of the final deadline), six black youths walk into the Truth Commission offices in Cape Town. They insist on filling out the forms and taking the oath. Their application simply says: "Amnesty for Apathy." They have been having a festive Saturday evening in a township bar when they started talking about the amnesty deadline and how millions of people had simply turned a blind eye to what was

happening. It had been left to a few individuals to make the sacrifice for the freedom everyone enjoys today.

"And that's when we decided to ask for amnesty because we had done nothing." They went to a nearby shop, asked the owner if they could use his computer, and typed out their "Amnesty for apathy" statement.

"But where does apathy fit into the act?" a Truth Commission official asks.

"The act says that an omission can also be a human rights violation," one of them quickly explains. "And that's what we did: we neglected to take part in the liberation struggle. So, here we stand as a small group representative of millions of apathetic people who didn't do the right thing."

With applications like this, the amnesty process has become more than what was required by law. It has become the only forum where South Africans can say: We may not have committed a human rights abuse, but we want to say that what we did - or didn't do - was wrong and that we're sorry.¹⁶¹

The amnesty process was marked by a number of highly politicized developments, each of which has had an enduring effect on the way South Africans of various backgrounds feel about the TRC. The first of these occurred shortly after the design of the amnesty format was made public. The Azanian People's Organization (an anti-apartheid group) and the Biko, Mxenge, and Ribeiro families, all of whom had had members killed in the

anti-apartheid struggle, challenged the amnesty provisions of the Promotion of National Unity and Reconciliation Act before the Cape Supreme Court. If their challenge had been successful, the TRC design would have been struck a crippling blow. The court acknowledged the righteous indignation toward impunity felt by those who had suffered the most during apartheid, but sided with the TRC, saying that the amnesty component of the Interim Constitution had been an integral part of the negotiated cessation of fighting, and that it could be expected that the commission would make other provisions for reparations.¹⁶² The commission had dodged a bullet, but had been grazed. How could it find credibility when it was being contested by the families of heroes like Steve Biko?

Another landmark was the application by the senior leadership of the ANC for a general amnesty that would cover thirty-seven individuals. Both the act of making the application and the content of the submission acknowledged that the ANC was responsible for gross violations of human rights, even if they were committed in service to a just cause. Despite this, the application was seen by many as problematic in that, if it were successful, the thirty-seven ANC leaders would be treated by standards different from those applied to the thousands of others seeking individual, adjudicated amnesty. When the Amnesty Committee decided to grant the general amnesty, there were strong reactions from within the Afrikaner community, the defense forces, and even the TRC itself. It was reported that commissioners were split over what to do, and that there were two factions: one, under Dumisa Ntseba (the head of the Investigative Unit), wanted to let the decision stand; the other, under Alex Boraine, believed that the matter should be reviewed.¹⁶³ The commissioners settled the issue during a retreat on Robbin Island, which had served as Nelson Mandela's prison home for so many years. They decided to ask

South Africa's High Court for a declaratory order on the ANC amnesty. In the end, the amnesty decision was overturned, leaving the thirty-seven individuals theoretically open to prosecution or suit. Some of them had also made individual applications, however. Mary Burton, one of the commissioners with a substantial public profile for her work before, during, and after the commission says that the autonomy given the Amnesty Committee in the Promotion of National Unity and Reconciliation act was unhelpful and was partially responsible for the confusion over amnesty for the ANC.

The considerable autonomy bestowed on the Committee by the legislation, in retrospect, is a significant weakness in the legislation. The fact that the majority of its members were not commissioners meant that they were not exposed to the often intense debates on these matters that took place in the Commission. Although the legislators may have intended the autonomy of the Amnesty Committee to ensure the impartiality of the Amnesty Committee, this separation created some difficulties and confusion that might otherwise have been avoided.¹⁶⁴

Even now the issue of blanket amnesty is not settled. In 1998, a working group of ANC representatives and generals from the apartheid-era defense forces was formed under the initiative of Thabo Mbeki (the current President of South Africa) to work out the details of a proposed blanket amnesty. The generals had refused to apply for the individual amnesty adjudicated by the TRC, saying that they committed nothing beyond legitimate acts of warfare. In March of 2001 the report of the working group was completed and was to be taken under consideration by cabinet. If cabinet approves the report and drafts legislation, the thirty-seven senior ANC official as well as several generals will be granted immunity.¹⁶⁵ It is bitterly ironic that the very political party (the ANC) that championed a Truth and Reconciliation Commission half a dozen years ago is now contemplating a sweeping clemency of the kind that the architects of the commission and representatives of civil society struggled so hard to prevent. Then again, relations between the TRC and the ANC leadership have long since deteriorated. Thabo Mbeki

never did seem to embrace it as Mandela had. Under his leadership, the party even sued to block the release of the commission's *Final Report*. In the chapter on healing, we will explore these developments and their effect on the reparations work of the TRC.

Some of the hearings held by the Amnesty Committee also served as landmark moments for the TRC. This is true of the hearing for the first applicant to receive amnesty. He may have been carefully chosen for the role. Brian Mitchell was a police officer attached to a riot control unit in Kwazulu-Natal. As he revealed in his testimony, these units were involved in work other than riot control, much of it related to the countering of anti-apartheid organizations. One of their jobs was to combat the growth and political action of the UDF, an organization closely linked to the ANC. The ANC was banned inside South Africa until 1990; during the mid-to-late eighties, while much of its leadership served from neighbouring nations or other places of exile, the UDF was in many ways its in-country subsidiary. In Kwazulu-Natal, the police frequently fought the UDF by providing tactical and logistical support to Inkatha Freedom Party (IFP) groups, who were sworn enemies of the UDF.

One of these operations was particularly bloody. Police officers, including Mitchell, planned an operation against a house where a number of UDF members were believed to be holed up. The house was located in an area called Trust Feed. The plan was for members of the Inkatha Youth Brigade with support from special (i.e. African) police constables to attack the house, burning it down and killing the individuals inside. The operation took place on the designated night, but the attackers went to the wrong house.

Inside were a group of mourners, who were actually supporters of Inkatha. Eleven of them were killed.

For his role in this operation, officer Mitchell was convicted of eleven counts of murder and eight counts of attempted murder. He was sentenced to death, but before he could be executed all death sentences in South Africa were commuted. He ended up spending five and one half years in prison before being granted amnesty and set free.

Ironically, one of the three Amnesty Committee members who sat for Mitchell's hearing was the judge who had presided at his original trial. Mitchell provided everything for which the TRC could have hoped. His testimony significantly advanced the truth-telling process regarding conspiracy between South African police and the IFP in Kwazulu-Natal. This was an especially hot topic because the IFP-ANC fighting had become the most bloody conflict in the country, claiming very large numbers of casualties. Proof of complicity with the apartheid security forces undermined the moral credibility of the IFP as an anti-apartheid organization. Mitchell's testimony and cooperation with the TRC outside of his amnesty application also provided many details about the methods and policies of the police forces. Equally compelling were his statements of remorse and pleas for forgiveness at his hearing and elsewhere. He claimed to have been converted to Christianity, to have come to appreciate the legitimacy of the anti-apartheid struggle, and to have understood the tragic consequences of his actions. When he was released, he approached the Pietermaritzburg Agency for Christian Social Awareness in order to become involved in community service in the area where he had worked as a police

officer. He also arranged to meet the Trust Feed community so that he could apologize directly.

Despite Mitchell's being a "perfect" candidate for amnesty, reaction to his release was mixed. It was difficult for people who had suffered so long under apartheid to see that its agents, even its killers, were really going to receive immunity. Mitchell was one of the few oppressors who was actually receiving punishment for his crimes. The Pan-Africanist Congress released a statement condemning the release of this apartheid policeman while many of its soldiers were still in jail. There were few statements of forgiveness from the Trust Feed community. Some family members of the victims called for compensation, other explained how painful it was to relive the experience, and at least one asserted that Mitchell should have been hanged. Other groups seemed to accept the value of Mitchell's testimony, acts of contrition, and overtures of reconciliation. Even as it was opposing the extension of the amnesty application deadline and criticizing the TRC for "bending over backward" to accommodate perpetrators who were being less than cooperative themselves, the South African Prisoners' Organisation for Human Rights welcomed the granting of amnesty to Mitchell. The president of SAPOHR praised the decision as a "tribute to the progress the TRC had made towards securing peace, reconciliation, reconstruction and democracy through confession." ¹⁶⁶

Amnesty hearings gained a progressively greater share of the public attention as the HRV and Institutional Hearings petered out and ended after 1996. None were more controversial than that of police captain Jeffrey Benzien.

Jeff Benzien is a notorious interrogator of political prisoners, who employed his infamous "wet bag" method and other brutal tactics. The confrontation, at his amnesty hearing, between Benzien and his torture victims is one of the most enduring images of the commission for many South Africans. "Initially, the body language of the tortured was clear: 'No one else counts, not the Amnesty Committee, not the lawyers, not the audience - what counts today is you and me. And we sit opposite each other, just like ten years ago. Except that I am not at your mercy - you are at mine. And I will ask you the questions that have haunted me ever since.'"

One of the victims who confronts Benzien is Tony Yengeni, a member of parliament known for his confidence - some would say arrogance. But when he faces his tormentor, the confidence is gone. His voice choked, he asks "What kind of a man ... uhm ... that uses a method like this one with the wet bag to people ... to other human beings ... repeatedly ... and listening to those moans and cries and groans ... and taking those people very near to their deaths ... what kind of a man are you, what kind of a man is that, that can do ... I'm talking now about the man behind the wet bag." Yengeni demands that the policeman demonstrate the wet bag method. As the Amnesty Committee members, Benzien's former prisoners, and the TV cameras look on, this stocky white man sits on the back of a black victim, pulling a blue bag over his head. In the police station, the victim would have been suffocated almost to the point of death before being given a sip of air. And again ...

Despite this demonstration, or perhaps because of it - because he has now cast off the garments of the penitent in favour of the long-honed role of all-powerful inquisitor -

Benzien does not lose his self-possession in the hearing. "A torturer's success depends on his intimate knowledge of the human psyche. Benzien is a connoisseur. Within the first minutes, he manages to manipulate most of his victims back into the roles of their previous relationship - where he has the power and they the fragility."

He turns the tables on Yegeni with a revelation that destroys the latter's political profile. He asks the M.P. if he remembers "breaking" after only thirty minutes of interrogation and betraying a comrade named Jennifer Schreiner. Does he remember pointing out Bongani Jonas on the highway?¹⁶⁷

Benzien received amnesty and continues to serve as a policeman, now as a captain of the air division. Among his senior officers are some of his former victims.

The amnesty hearings continued way beyond the threshold of national emotional fatigue. There were many highs and lows. A good number of the lows were provided by applicants from the defense forces, and from security branches such as the Civil Cooperation Bureau. Speaking in clipped, authoritative phrases and justifying their actions as normal in the everyday give and take of warfare, they showed too much contempt and too little remorse. One wonders if, at the level of the soul, they are not among apartheid's worst victims. Not that this pondering easily evokes sympathy. Fortunately, there were a few exceptions, and the "Askaris" (members of the anti-apartheid organizations who were "turned" and cooperated with the police) generally demonstrated more humanity. Some of the better moments were provided by African

applicants from such organizations as MK and APLA. The commandos who attacked the Heidelberg Tavern (and whom I discuss in the Introduction) are an example.

In the end, the majority of the applications were rejected for failing to meet one or more of the criteria. As of November 2000, of the 71 12 applications processed, 5392 were refused. The vast majority of unsuccessful applications refused because of a failure to meet the criterion of "political objective." ^{L1}

In the next chapter, after some theoretical explorations, we will endeavor to offer a moral evaluation of the TRC's amnesty process. What follows here, are some evaluative reflections on the practical effects of the process. By "practical effects," I mean the extent to which the process advanced or blocked the two central goals of the TRC: truth-telling and reconciliation.

In terms of truth-telling, a central question is: "did the amnesty process provide more and better information than would have been gleaned from a series of criminal trials?" Prior to the South African format, amnesties added little to public knowledge about the past beyond the vague and general acknowledgment of accountability that is inherent in the constituting of an amnesty. One of the great innovations of the TRC was the constitution of an amnesty that had revelation as one of its byproducts. The requirement that individuals identify themselves and make full disclosure, often in a public forum, made the South African amnesty a creature of a very different kind from those in Chile,

^{L1} I am aware of no statistics that indicate the percentage of successful and unsuccessful applications among those that were given a public hearing. From perusing the decisions of the Amnesty Committee, my impression is that a higher percentage of them were successful than applications that were not given a hearing.

Argentina, and El Salvador. But the question remains: would a series of criminal trials have provided more and better revelations? Outside of the concerns of retributive justice, with a view limited to truth-telling and reconciliation, criminal trials for political crimes have their champions. Ronald C. Slye explains:

Proponents of criminal trials over truth commissions argue that the former actively includes the accused perpetrator in the search for truth and accountability. The argument is that a trial forces the defendant to confront his or her accusers and to engage them in a search for the truth. Conversely, trials provide a safe place in which victims may confront their perpetrators. The trial creates a rule-governed space within which a formal dialogue takes place among victims, the accused, and society (represented by the government). ... There are two important claims about the utility of trials over commissions. The first claim is based on the participation of the accused in their trial. Such participation has two important effects: it contributes to the rehabilitation and societal reintegration of the accused by including them in the national deliberative process; and it allows the accused to explain, and even justify their actions, and thus provides an important perspective on the truth and context of past events. ...

The second claim for trials concerns the quality of the information produced. The claim is that trials produce better quality information because they not only provide direct testimony from the accused, but also produce information that has been subjected to the rigors of legal process and the rules of evidence.¹⁶⁸

By now, it is clear that the TRC successfully countered some of these arguments by providing fora that actively included the "accused perpetrator in the search for truth and accountability." In fact, it can be credibly argued that TRC hearings were *better* fora for such participation. In the HRV Hearings there was no imperative for perpetrators to fend off the threat of legal punishment by denying their actions (or those of their accomplices and superiors). In the Amnesty Hearings there was actually an incentive to forgo such denial. It is also important to keep in mind that in South Africa it was the human rights violators who initiated the amnesty hearings. They came seeking something very valuable: immunity from prosecution and civil suit. Surely this made for more cooperative truth-telling than would have been received from defendants at criminal trials. Slye concurs, saying that " in South Africa it seems clear that the amnesty hearings have resulted in substantially more participation by the accused than one finds in a typical

trial."¹⁶⁹ In terms of the rehabilitation and reintegration of violators into society, amnesty hearings, again, are probably more helpful than trials. Key to their social reintegration is the acceptance of accountability. Surely hearings where the perpetrators show up acknowledging their culpability (or at least their actions) serves this end more thoroughly than court proceedings in which defendants maintains their innocence.

TRC hearings were also better, and safer, fora than trials for the participation of victims. The kind of cross- examination they had to undergo was much less confrontational than that often seen in criminal trials or even civil suits. Also, there are fewer restrictions on the kind of evidence that can be presented.

But does this lack of evidentiary constraint not lead to the gathering of information of a poorer quality? This is a legitimate concern. TRC Amnesty Hearings were conducted before panels of judges and advocates (mostly) from the Amnesty Committee. There was legal representation for applicants, the commission, victims, and intervening groups. All of these people functioned with a view to due process for their clients or constituencies; but the rules of evidence and procedure were less fixed and more loose than in either criminal or civil courts. Slye recognizes this concern, but points out that this issue cuts both ways. Evidentiary rules in a criminal trial are tight because it is necessary to minimize the possibility of producing a "false positive:" the conclusion that persons are guilty when in fact they are not." The cost of this carefulness is an increased possibility of a false negative: the conclusion (in the eyes of the law) that something did not happen when, in fact, it did. Amnesty hearings are free to shift the balance of concern regarding these two potential falsehoods because the threat of false punishment is not present; the

possibility of punishment has already been waived. There is an added protection that allows the slackening of rules of evidence and procedure, thus lowering the risk of false negatives, without causing a corresponding increase in the risk of false positives: the "accused" arrive at the hearings already admitting that the events in question did take place.¹⁷⁰

On the other hand, it is important not to overstate this protection. In any judicial or quasi-judicial hearings, participants will have self-interested concerns that serve as motivations to hide or distort the truth. The loosening of rules of conduct will give them more space to act on these motivations. In the case of TRC Amnesty Hearings, one of those motivations was to construe human rights violations as acts committed for a political purpose. When one examines the cases of amnesty denied, it becomes clear that many individuals sought immunity for what they claimed were political acts but which were really acts motivated by the desire for personal gain or revenge.

When all the factors are weighed there can be no doubt that South Africa has more information about its past, and of a better quality, than it would have if the new government had decided to go the route of trials or tribunals rather than amnesty hearings. As an aside, the amnesty process may have been unhelpfully drawn out, but this is nothing compared to the time it would have taken to investigate and try all, or even a significant portion, of the human rights violators. But what of reconciliation? Has justice been done to this cause as well? To reply to this question, a number of issues need to be addressed: the extent to which truth-telling of the amnesty process advanced reconciliation; the ways in which the amnesty process curbed and generated resentment;

the extent to which it facilitated the acceptance of accountability and responsibility; and the extent to which it fostered the growth of a culture of respect for human rights.

Some commentators argue that truth-telling *by nature* advances the cause of reconciliation, because any rapprochement based on the suppression of information or on false perspectives is doomed to fail. As Slye puts it, "If the ability of a society to achieve a true and stable reconciliation is inversely related to the *amount* of information kept secret, then the amnesty process clearly contributes to reconciliation." But Slye does not fully accept this position. Instead he argues that successful post-conflict reconciliations can only bear so much fact, and that there is a necessary element of myth-making as well. He points to the myth of the clean hands of the French resistance, and to the suppression of information regarding the complicity of other western governments and institutions with the Nazis as abridgments of truth that served stability and cohesion in post-war Europe. "It may be that the de facto path taken by Europe - a combination of the two paths with a temporal dimension: short-term myth-making combined with periodic revelations in the future - is the best one for moving forward and adequately confronting the past."¹⁷¹ Slye has a point. While it is almost always proper to champion truth-telling, attention must be given to the temporal dimension. During the second-half of the nineties, South Africa was continually awash in stories of violence whites and blacks had done to each other, and of atrocities different African organizations committed against each other. Even though Tutu and others were preaching forgiveness and reconciliation, the combined effect of these revelations tainted the soil in which the myth of the "Rainbow Nation" was meant to grow. On the other hand, one could argue, it is better to deal with this toxin now than to have visions of the new South Africa periodically cut down over

the next half century with successive waves of revelation. It is a hard one to call. I suspect that we will be arguing over this issue on the golden jubilee of liberated South Africa.

With regard to resentment, it's pretty clear that the amnesty process has produced its share. Again, this has to do with the amount of revelation during the period between 1996 and 2000. Even if there had been only a fraction of the eventual number of Amnesty Hearings, however, there would have been a significant amount of resentment. It would be foolishly optimistic to expect that the many South Africans who endured the humiliation of pass laws, who had (and have) access to inferior education and health care systems, and who will suffer the effects of economic apartheid for generations to come would respond well to the granting of immunity to people like Jeff Benzien, leaving them free, gainfully employed, and financially secure. It would be even less realistic to expect this of torture victims or the families of anti-apartheid martyrs.

Inevitably, there were a number of high-profile cases in which some of apartheid's most brutal killers and devious evildoers were granted amnesty. Craig Williamson, one of the security forces' most nefarious plotters, was responsible for "the remote-controlled murders" of a number of individuals, including a mother and daughter. The South African newspaper, the Weekly Mail and Guardian wrote that his amnesty "put into sharp focus the extent to which icons of apartheid-era atrocities have got away with it." Like a number of other apartheid agents, he now earns his living through the employment of skills and contacts acquired in service to the old regime. Some, like Slang Van Zyl, one

of the employees of the Civil Cooperation Bureau,^{LII} now own and run lucrative businesses that were originally set up as fronts for the operations of the security police. As commander of the nationally infamous Vlakplaas unit, a murder and torture squad, Dirk Coetzee was one of the security forces' most visible and hated officers. He was granted amnesty and went to work for the National Intelligence Agency, where he served for a number of years before leaving to take employment with a Cape Town Mafia boss. The granting of amnesty to men like these has, understandably, not gone over well with millions of citizens.¹⁷²

These developments might have generated a lot less bitterness among South Africa's majority population if they had occurred during a time in which a comprehensive reparations program was being implemented, but this was not to be. Large-scale reparations were promised, but not delivered - perhaps the worst of all possible developments. Fortunately, a different by-product of the TRC's HRV and Amnesty Hearings has served to moderate resentment, and should have important long-term effects. This is the restoration of the dignity of blacks and other groups relegated to the margins by state racism. During the apartheid era, sanctioned criminals like Dirk Cotzee not only enjoyed full citizenship; they received commendations for their service. At the same time, more than three-quarters of South Africans were portrayed as less than fully human, and were granted a corresponding set of rights. Now the tables are turned. While President Mbeki proclaims his dream of an African renaissance, and the courage and

^{LII} The Civil Cooperation Bureau was one of the front agencies for the South African security forces that were designed to combat anti-apartheid groups. It purported to be a liaison group between government and business, but actually employed former policemen and other agents. In their service to the CCB, these agents plotted and carried out assassinations of anti-apartheid activists and other human rights violations, including a bombing of a daycare center.

resilience of blacks are being celebrated in the country's burgeoning arts culture, the inhumanity of the old regime is widely exposed and condemned. None of the often brilliant and compelling theater pieces offer more drama than the encounters between perpetrators and victims at Amnesty Hearings. While the nation watched, leaders and lieutenants of the old regime lost face while their victims became objects of celebration and empathy.^{LIII} Life is not easy for men like Dirk Cotzee and Brian Mitchell. Widely portrayed as monsters, many of them have lost their friends and families.

The amnesty process was only one forum in which judgment was passed on perpetrators and sympathy expressed for victims, but it was an extremely important one. Besides being highly visible, the Amnesty Hearings carried the weight of formal, officially-sanctioned public discourse. They were places where past wrongdoing could be "put on the record" and new attitudes toward it given public sanction. As Tavuchis points out in his sociology of apology, such consultations are extremely important for the formation or alteration of moral community. This reconstitution of moral community is not only providing for the inclusion of Africans, Indians, and mixed race people, it is moving concern for their well-being to the center of consideration. In the short-term, this restoration of citizenship may only partially soothe the foul taste of amnesty granted to people like Jeff Benzien, but it makes for a powerful assertion of the dignity of blacks.

Related to the reconstitution of moral community is the construction of a culture of human rights. During the National Party reign, human rights were more than simply

^{LIII} There were, of course, Amnesty Hearings in which the perpetrators were black and the victims white. While there certainly were expressions of sympathy for victims, I would argue that the perpetrators did not lose face in the same way as white offenders because their actions, all-be-it sometimes extreme or unwarranted, were carried out in service to a just cause: the end of apartheid.

ignored. Their perpetual violation was built into the structure of institutional life in all sectors. Ideologies that justified violence and exploitation were systematically employed. One could say that a culture of anti-human rights flourished. It is also true that resistance movements, even those with right on their side, usually become infected in some measure with the sins of the powers they oppose. Given this legacy, the building of a human rights culture into the foundation of the new South Africa is a daunting challenge of unsurpassed import. How has the amnesty process advanced or fettered this work? One thing is clear: like the HRV Hearings, the amnesty process has made and kept human rights language prominent in public dialogue. This, in itself, is an important accomplishment that should not be underestimated. It is not enough, however. For decades if not centuries, one of the hallmarks of public life in South Africa was a political morality that was observed in speech and ignored in action. A repetition of this duality by calling for but not living a respect for human rights would generate further cynicism, and perpetuate the schizophrenia of public ethics.

One of the ways respect for human rights can be undergirded, is the taking of measures to ensure accountability. There is some debate over the extent to which the amnesty process made human rights violators accountable for past actions. On the surface, it appears that it did the opposite; that by granting immunity from prosecution and civil suit it freed perpetrators from being made accountable. Yazir Henry argues that this is not just a surface reality, but that it reflects a continuation of the deeply entrenched impunity enjoyed by political criminals during the old regime, and that it is having troublesome

consequences in terms of the actions of the current security forces.^{LIV} He points to the violent ways police and the military responded to protest marches that took place in the Western Cape in 1999.

The manner in which the South African National Defense Force and the South African Police Service have chosen to deal with conflict poses the question why the new order is so similar to the old. It makes one wonder whether the lessons of our recent past have been integrated into post-apartheid reality. This, in turn, raises the question of the extent to which the TRC and the new South African state has held the former institutions of the apartheid state, especially those of the armed forces, accountable for past abuses.¹⁷³

What about the loss of face and public confessions of those who applied for amnesty?

Does this not constitute at least a soft form of the punishment that evinces accountability?

Henry, who himself was a victim of the brutal interrogation techniques employed by policemen like Jeffrey Benzien, believes that even the small measure of accountability built into the amnesty process was transgressed in the Benzien case. He argues that Benzien failed to meet two of the criteria for amnesty: full disclosure and actions consonant with their political motive. On top of this, he asserts, Benzien's treatment of Tony Yengeni and other victims at his amnesty hearing constituted a continuation of their torture.

I remember asking myself how a process that was supposed to be holding him accountable for his brutal and systematic torture of people could go so horribly wrong. I struggled with my anger and resolved not to participate in any further amnesty proceedings - even though I knew that the people responsible for torturing and nearly killing me would apply for amnesty. I realized that the amnesty process was hampering my own efforts to deal with the trauma of capture, detention and the obligation to watch a comrade and friend die in front of me as a result of the police opening fire with guns and hand grenades.¹⁷⁴

Henry also raises the issue of the accountability of the many South African whites who did not commit gross human rights violations but did contribute to oppression through

^{LIV} Yazir Henry's story and perspective on the reconciliation process are recounted in Chapter Four. At nineteen years of age, when he was an ANC operative, he was captured and tortured and threatened until he revealed the location of another operative. He was then forced to witness his comrade's murder.

their support for the apartheid government. He criticizes the TRC and the government that designed it, saying that there is "no conducive public space available to whites in which to admit that they benefited from apartheid and were caught up in a vicious system that also deprived and traumatised them." This oversight, according to Henry, makes it almost impossible for whites to take responsibility for the past as a basis for creating a new society.

Slye takes a different perspective on accountability and the amnesty process. He argues that the TRC amnesty process provided more accountability than any other truth commission or amnesty format. He describes the stipulation that applicants identify themselves and describe their acts, the worst of them in public hearings, as providing an effective calling to account. Through their submissions and participation in public hearings, applicants accepted responsibility for their offenses (at times defiantly). Is this measure of accountability enough to foster reconciliation? Slye says it is too early to tell. He is correct in this, but may be a little too optimistic in the tone of his writing. I do not see how the TRC could have built more accountability for offenders into the amnesty process, and therefore am free to celebrate its many achievements. The many South Africans who suffered under apartheid and still live compromised lives because of its legacy do not have this same freedom. Many have a felt and legitimate need to witness a more thorough form of accountability, and the punishment that evinces it, than that provided by the amnesty process. The fact that the TRC was not able to deliver this, largely because of the political reality in which it operated, is a misfortune of history. Time will reveal the proportions of this misfortune.

This examination of the TRC amnesty process will serve us well in the following chapters. In the next chapter, which serves as Scene Two in the third act of our Drama of Forgiveness, we will keep the South African amnesty in mind as we discuss different forms of justice and their role (or lack thereof) in the TRC. In the final chapter, the amnesty will be revisited to see how it has affected forgiveness and reconciliation.

Chapter Seven

Act Three: Building a Transitional Justice Framework Part Two: Revenge and Restoration

Many of the issues raised in the previous chapter will be revisited in this one - especially the ones we identified in our "practical" evaluation of the amnesty process. At the risk of repetition, they are examined again for two reasons: one, this discussion will broaden our view to include aspects of the TRC beyond the amnesty process, and aspects of the transitional justice framework beyond the TRC; and two, our discussion in this chapter is more concerned with theoretical aspects of justice while the previous one was more focused on pragmatic issues. Granted, it is very difficult to separate the two types of concerns when examining transitional democracy.^{LV}

Lynn, the young English woman whom we met in the chapter on truth-telling, the one whose mother was a communist and father an apartheid soldier, related a story about an ANC organizer who reached the breaking point. This man's neighbour was an eighty-seven year old lady. She had a son who was serving as a soldier with Umkonto we Sizwe ("Spear of the Nation", the armed wing of the ANC - MK for short). One day the security police came to search her house. Finding that the son was not there, they took out their frustrations on the elderly woman, beating her to death. The ANC organizer got up the

^{LV} By the term "transitional justice," I mean a form of justice particular to contexts which are moving from civil war or large-scale oppression to stability and a more democratic form of governance. It is an inclusive term, which incorporates imperatives normally associated with retributive, restorative, distributive and other forms of justice. By "transitional democracy," I mean new and democratic arrangements of governance that have been established in the wake of war or large-scale oppression. In my understanding, "restorative justice" is not strictly about restoring a country or society to a state (condition) that preceded a rending. It may be, but it may also be oriented toward the establishing of a state that never existed previously. In South Africa, for example, restorative justice measures are not oriented toward the reestablishing of democratic rights and distributive justice for blacks - blacks have never enjoyed these goods. Therefore, restorative justice in that country is not strictly about *restoration*, but rather about the

next morning and went to a busy road where people of all races would be traveling to work. He gathered a crowd of blacks together and worked them to a fury. He decided to kill the first whites they encountered. Two white labourers came down the road on foot. They were stoned and then set alight. The ANC man then turned himself in to the police. He did not want to hide from his actions. He was proud of them.

Our Ambivalent Relationship with Revenge

So far in our discussions of forgiveness we have considered resentment, but what of retributive emotions that burn so hot that they must be given other names? What passion can lead a person to such a white-hot intensity of purpose that he would trade his future for one act of bloodletting? If resentment is a response to insult intended to defend one's psychic integrity, an emotional attempt to reestablish balance, is bloodlust simply a more extreme version?^{LVI} Is it resentment made combustible by the addition of hate? Or is it a passion of another order? Does bloodlust rise when there is no longer a possibility of equilibrium, when the only perceived option is to "blow up the whole damn thing?"

The passions that stir us to vengeance have long been a source of human fascination - and literary imagination. The Athenian playwrights, the writers and redactors of both the Hebrew Bible and the New Testament, Shakespeare, nineteenth century novelists from

establishment of a new condition of justice and well-being. Restorative justice measures are typically more concerned with compensating victims for their losses than with punishing offenders for their crimes.

^{LVI} Jeffrey Murphy (among others) asserts that resentment is a response to injuries that carry a message from an offender that say "it does not matter whether I harm you because I am more important than you." The resentment is an internal counter claim, an assertion of one's self-respect. See the section on interpersonal forgiveness in the Introduction, and Jeffrie G. Murphy, "Forgiveness and resentment" in Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988).

Bronte to Melville, and the producers of contemporary "pulp fiction," among many others, have used revenge and the human taste for it as central themes in their work.¹⁷⁵ Despite all this attention, we do not understand the motivations that lie behind vengeance very well. Perhaps they were better understood in other times. In *Wild Justice: the Evolution of Revenge*, Susan Jacoby argues that the taming of vengeance in systems of justice has been a major, if slow, achievement of the evolution of human civilization. This has happened with an awareness, and an acceptance, that there is an element of revenge in legitimate retributive justice. Jacoby fears that this awareness is becoming lost in contemporary western society. It has been submerged by a psychic split that amounts to a *revenge taboo*.

The taboo attached to revenge in our culture today is not unlike the illegitimate aura associated with sex in the Victorian world. The personal and social price we pay for the pretense that revenge and justice have nothing to do with each other is as high as the one paid by the Victorians for their conviction that lust was totally alien to the marital love sanctioned by church and state. The struggle to contain revenge has been conducted at the highest level of moral and civic awareness attained at each stage in the development of civilization. The self-conscious nature of the effort is expectable in view of the persistent state of tension between uncontrolled vengeance as destroyer and controlled vengeance as an unavoidable component of justice. The replacement of this rigorously attained awareness by taboo is a curious development in a century that has experienced its own full measure of revenge, expanded beyond old limits by modern science and technology. Like all prohibitions honored mainly in the breach, the revenge taboo contains a disturbing potential for social regression. It is an enemy of the restraint it is mistakenly thought to encourage.¹⁷⁶

Civilization has not caused human beings to stop desiring retribution; rather it has convinced them to accept a certain "distance between aggrieved individuals and the administration of revenge."¹⁷⁷ Society has achieved a balance between the restraint needed to live together with a measure of harmony and the impulse to strike back when one is harmed; but this balance is fragile. It is lost when people cease to believe that someone else (a legitimate institution) will act on their behalf if they are wronged and

punish the wrongdoer.^{LVII} When this confidence is lost, actions such as those of the ANC organizer become more likely. It is true that we value state administered retributive justice because of its deterrent value, but, Jacoby argues convincingly, there is more to it than that: "The symbolic 'scales of justice' have a real meaning for most citizens, who believe that the legal system exists to maintain, a moral and social equilibrium, and to restore that equilibrium when it has been violently disturbed."¹⁷⁸ When citizens come to believe that the scales are tipped in favour of criminals, they respond by turning to acts of vigilante justice or by calling for harsher punishments. The surge of support for "law and order" politics and for the death penalty in the U.S. during the late seventies and eighties, when crime rates were rising, is a prominent example of this phenomenon.¹⁷⁹

I agree with Jacoby's assertions that retributive desires should be seen as legitimate, and that it is the rightful role of the state (in a just configuration^{LVIII}) to satisfy these desires. I also agree that there is an association between the acceptance of retributive motivations and the ability to harness them in a legitimate judicial system. I would add, however, that both private vengeance *and* state legal systems are sometimes employed to protect a social disequilibrium (or, to phrase it differently, an immoral equilibrium). Apartheid South Africa provides a clear example of this. When blacks, through either individual action or organized political resistance, asserted rights that were illegitimately denied them, they were regularly retaliated against through private revenge-taking and/or state-administered punishment. In both cases, the supporters of apartheid who "punished" them

^{LVII} This is especially true in situations like apartheid South Africa (and to a certain extent, contemporary South Africa) where law enforcement officials and agents are often the wrongdoers.

^{LVIII} Any appropriate configuration would take other concerns into account: including the rights of the accused (and the guilty), the social benefits of rehabilitation, victims' rights to restitution, and international human rights standards.

were acting to protect or to reestablish a social equilibrium that provided great privileges to the few at an enormous cost to the many.

In a situation such as this, the curtailing or prevention of vengeance becomes exponentially more complicated than in societies that enjoy a tradition of public support for an effective and legitimate legal system. We will return to the question of deterring vengeance later in this chapter, when we examine South Africa's transitional justice arrangements. Before considering transitional justice, however, a couple of other topics need our attention. First, we will examine the retributive motivations more closely, along with the connection of these emotions to retributive justice. Second, we will explore the controversial and increasingly visible topic of restorative justice.

In 1988 a group of the South African Defense Forces' (SADF) best trained soldiers, men hardened from years of combating anti-apartheid forces inside and outside the country, joined together to form a special unit. Two imperatives were to guide the unit's life and work. First, it was to strike against a broader range of targets than the ANC and other formally organized and armed groups. "The enemy" was also to include any people inside the Republic who supported "leftist" causes or struggled for a non-racial society. Second, it was to be so secretive that it could never be exposed. It was to function with complete independence from the SADF.

The organization, which was given the horribly ironic name, "the Civil Cooperation Bureau," was formed along the lines of a private corporation in which the government had a controlling trust. Using government funds secretly diverted from other budgets,

businesses were established to serve as both a front and a source of revenue for the Bureau. Chains of command and communication were structured so that members of the CCB didn't know each other. Even the top echelon did not know all those in their employ, and agents didn't know most of their bosses.

Attending amnesty hearings for members of the CCB a dozen years later, one could not help but feel that this covert organization had fallen into the firm grasp of evil. The men attracted to its employ were the most coldhearted and devious of soldiers and policemen. The violence they committed for the Bureau was secretive, cowardly, and often directed toward the weak or vulnerable. They hired a gangster to bomb a township daycare center because a youth group met there. They hired the same fellow to replace the heart pills of a prominent lawyer with poison.^{LIX} They hung up a monkey fetus at Archbishop Tutu's residence in Cape Town. They shot a university lecturer and anti-apartheid activist named Dr. David Webster with a sawed off shotgun. They have been implicated in several other poisonings and mail bombings.

Joe Verster was the director of the Civil Cooperation Bureau. He is infamous not only for his work there, but also for an appearance at a 1990 hearing of the Harms Commission's investigation into death squads. Fearing avengers, Verster showed up wearing a wig and long false beard. His disguise became a darkly comic symbol of the stealth and cowardice of apartheid's killers.

^{LIX} The gangster didn't carry out the mission, and the lawyer, Dullah Omar, survived to become justice minister and one of the architects of the TRC after the 1994 elections.

He was equally furtive at the TRC Amnesty Hearings on the CCB in 2000, applying for amnesty only for operations that had already been uncovered - making him vulnerable to prosecution. In his written statement and answers to questions, he revealed as little as possible about the CCB and his role there. He also refused to show contrition for his acts or sympathy for victims, although repeatedly invited to do so. Unfortunately for Verster, George Bizos was one of the lawyers given standing to question him on behalf of victims' groups.^{LX} It took no time for Bizos to reveal that the CCB chief was continually lying and withholding information.

Other CCB applicants, such as Slang van Zyl, the man who had hung the fetus in Tutu's yard, followed Verster's example, exhibiting no remorse and blocking truth-telling wherever possible. Even worse, van Zyl and some other CCB lieutenants and gangster they hired would cluster in the hallway during breaks, laughing and joking in plain site of their former victims.^{LXI}

^{LX} See the beginning of the previous chapter for a description of Bizos. He is widely considered a brilliant attorney and is believed have participated in more political trials than any other lawyer in the world.

^{LXI} One applicant, a hulking figure and former professional rugby player named Carl Botha, showed more humanity than the perpetrators present at the hearing. During a break he crossed the waiting area outside the meeting room to offer an apology to a representative of a victims' group. I eventually approached Botha and asked for an interview for my research. He agreed, and gave me his cell phone number. We then embarked on a bizarre game of chase in which he would repeatedly agree to a meeting but then avoid me. Finally, I confronted him on the phone and said, "if you don't want to do this, just say so." He said, "No, no, I've just been busy." We arranged to meet later that week. One last time, he failed to materialize, leaving me to wonder why one of "the most experienced and battle hardened" apartheid lieutenants didn't have enough gumption to tell me to get lost.

In June of 2001, Verster, van Zyl, Botha and the other CCB applicants were denied amnesty.¹⁸⁰ The country waits to see if the TRC will recommend criminal prosecution for these and other failed applicants.^{LXII}

Retributive Emotions and Retributive Justice^{LXIII}

Until I began to study retributive justice, I assumed that the human urge to retaliate was an instinctive product of our evolutionary history. Others have made the same assumption. J.L. Mackie has gone further, outlining a theory of retribution as a feeling that has evolved in our species, and which is akin to the "bite back" response seen in dogs and other animals.¹⁸¹ As dogs bite and cats scratch those who attack them, humans have an urge to "hit" those who hurt us. This urge is unreasoned. It is, of course, acted out verbally or symbolically more often than physically. While Jean Hampton acknowledges that there is an instinctual element in human retributive emotions, she rejects Mackie's theory.^{LXIV} Her rejection is based on the conviction that there is a cognitive element in retributive emotions. This conviction arises both out of her understanding of human emotion, and out of a concern that retribution would be unjustifiable if it were not *reasoned*.

^{LXII} While the TRC was formally closed in 1998 at the submission of its *Final Report*, it has continued to function in a condensed form while the amnesty process has continued. A supplement to the *Final Report* is expected in late 2001.

^{LXIII} Of particular importance to our discussion of retributive emotions is *resentment*. When I use the term "resentment" I mean a condition of bitterness toward an individual or a collective. I do not mean specifically the condition called *ressentiment* by Nietzsche and Scheler, which arises from a cumulative repression of hatred, envy, and so on. In contexts of mass reuding, however, *ressentiment* is very often widespread, and therefore one of the greatest barriers to political forgiveness. My use of the term "resentment" is more inclusive than *ressentiment*, including the latter and other kinds of directed bitterness as well.

^{LXIV} Hampton, and her partner in dialogue, Jeffrie Murphy, were important contributors to our theoretical discussion on forgiveness in the Introduction. See the section on "Interpersonal Forgiveness." Her

Appealing though it is, I would argue that this approach to retribution is at best incomplete. Mackie's theory implicitly denies to retribution any cognitive content. (Note that his referring to it as a 'sentiment' presupposes a non-cognitivist approach to the emotions, with which both Murphy and I disagree.) But cognitive content is precisely what those who defend retribution must understand the response to have if retribution is to justify the infliction of harm on wrongdoers. A primitive urge, which is all the bite-back response could be in other mammals, cannot by itself justify anything.¹⁸²

Like Jacoby, Hampton believes that retribution is justifiable. For her, both its validity and its "irresistible character" arise from its "being the conjunction of two basic ideas mandating the harm of the wrongdoer as means to an end." The first of these ideas is *that punishment is a defeat*. The reader will remember that in our introduction we examined the theory of resentment offered by Jeffrie Murphy, Hampton's dialogue partner in *Forgiveness and Mercy*. Murphy justifies resentment because, in his view, it protects and bolsters self-respect. When a person willfully and wrongfully injures another there is a double harm. The first harm is the injury itself. The second is the implicit statement by the wrongdoer that "I am essentially more important than you are. It is acceptable for me to trample your dignity or rights because I am a more important person than you." The generation of resentment within the injured person is a rejection of that claim. It is a counter-assertion of one's worth.¹⁸³ As Hampton describes retribution, it is akin to an enforcement of this rejection.¹⁸⁴ It defeats the wrongdoer's original statement about her relative value vis a vis the victim. Those who wrong others demean them, while operating on the incorrect belief or assumption that their own value is high enough to warrant this treatment. Punishment serves as an enlargement of the relative value of the victim by diminishing the value of the offender. The defeat of the wrongdoer can be directly at the hands of the victim, or through an agent such as the state.¹⁸⁵

assertions concerning retributive emotions are consistent with her depiction of resentment as containing

Punishment has symbolic value in that it announces the reestablishment of the "correct" relative value of wrongdoer and victim. According to Hampton, how does the infliction of pain serve as such a symbol? It conveys defeat. The logic is quite different here than in arguments that justify painful punishment because of its deterrent value. In Hampton's line of reasoning, it is not the pain itself that gives punishment its symbolic value, but rather the defeat that the suffering of pain represents.^{LXV} While making this point, she offers another assertion that is of great relevance to our consideration of South Africa's amnesty process: "*any non-painful method, so long as it was still a method for defeating the wrongdoer, would still count as punishment.*" (Italics hers). Pain is not the only vehicle that causes the "suffering of punishment;" other means can cause a diminishment of the offender through submission to the "punisher."¹⁸⁶

Could it be argued that the amnesty process in South Africa provided those means? Did applicants suffer a defeat? As Jacoby points out, "remembrance is unquestionably a form of revenge."¹⁸⁷ Most of the human rights violators who presented their applications for amnesty to the TRC would surely have preferred that their acts be forgotten, that they disappear from the public record and shared memory. The value of such a disappearance would have grown as the country moved further from the years of struggle, shedding the attitudes and perspectives that catalyzed the violations in the first place. Instead, memory of the violations will remain, and will colour in some measure the identities of those who committed them. Beyond this loss, amnesty applicants also suffered a defeat to the extent

cognitive content.

^{LXV} This is one of the reasons why the level of punishment should be proportional to the crime. Hampton underscores this imperative, stating that "To inflict on a wrongdoer something comparable to what he inflicted on the victim is to master him in the way that he mastered the victim." It is a second act of mastery that denies the "lordship" asserted in the first act. "The Retributive Idea," p. 128. Deciding on proportional punishment is, of course, difficult much of the time.

that their actions were laid before those present at Amnesty Hearings for moral judgment. Violations were judged in light of the concern for human rights at the heart of the TRC. There was a secondary level of judgment when members of the public became aware of the hearings and made moral evaluations based on their own beliefs and perspectives. Although some applicants may not have been aware of it or may not have seen it this way, the actual act of making an application served as an acknowledgment of defeat: by making supplication to the Amnesty Committee, applicants were admitting that they committed illegitimate acts. The applicants who presented themselves at Amnesty Hearings did suffer a defeat, then, even if some of them tried to hide this fact behind defiant attitudes. The defeat was especially clear for those who committed offenses in support of apartheid because their acts were judged in light of the commission's view that that cause was inherently unjust. Some of the members of liberation organizations who presented themselves would have enjoyed a victory to the extent that the rhetoric of the hearings justified the cause for which they had acted, but they would not have enjoyed this victory *as human rights violators*, but instead as victims of apartheid. They would have suffered a simultaneous defeat when their actions in support of a just cause were judged to have embodied unjust means. According to Hampton's definition of punishment, the South African amnesty process was punitive, even if weakly so.^{LXVI}

^{LXVI} Dumisa Ntsebeza, who served as the head of the TRC's Investigative Unit, writes of the pain suffered by amnesty applicants because of their public loss of face.

The process of seeking amnesty results in public shaming. It creates new victims in the form of spouses, children, parents, and relatives of perpetrators - people who had been aware of what these perpetrators did. This is so because, in terms of the Act, amnesty applicants testified in public. They made full disclosure in the glare of nationwide (and even worldwide) publicity. Maybe for the first time these disclosures were known to wives, friends and children. These people, who regularly went to church and behaved like law-abiding citizens, had the darker side of their lives exposed in public. To South African society, especially the white community, exposing what took place shattered many illusions.

It is time to name an assumption that underlies Hampton's philosophy of retribution. This assumption has to do with human worth; it is actually the opposite of the assumption at the heart of apartheid. Hampton operates with a theory of human worth that depicts all persons as essentially equal.^{LXVII} Apartheid was built on a theory of inequality. Given this diametric opposition, it is ironic that both Hampton and philosophers of apartheid^{LXVIII} justify acts that amount to the mastery of some human beings by others. Apartheid philosophers argue for the legitimacy of acts (and systems of action), even violent ones, that protect the elevated position of superior races. Hampton argues for the legitimacy of acts that amount to the mastery of wrongdoers by their victims or those operating on their behalf. But is not the mastery of one human being by another always morally wrong? She says no.

If punishment is understood [as defeat of the wrongdoer at the hands of the victim], it appears morally problematic not only insofar as it may involve the infliction of pain but, more important, because it *always* involves the attempt to master another human being. I want to argue, however, that such mastery is morally wrong, that is, demeaning, *only* when it aims to establish something false about the relative value of the one claiming it (i.e., the one we call *wrong*) and of his victim; it is not morally wrong if the point of the mastery is to deny the wrongdoer's false claim to superiority and to assert the victim's equal value.¹⁸⁸

This distinction is helpful in light of my earlier assertion that "both private vengeance and state legal systems are sometimes employed to protect a social disequilibrium (or, to phrase it differently, an immoral equilibrium)." Hampton's litmus test will help

For amnesty applicants to be prepared to run the gauntlet of public dismay, censure, and even ostracism was a heavy price to pay. Amnesty was not cheap. It was a process that traumatized not only the applicants and the victims but those communities that operated under illusions. For perpetrators, such exposures are their own punishment, and thus an element of justice itself. In that way, the TRC was a unique court of truth.

Dumisa B. Ntsebeza. "The Uses of Truth Commissions: Lessons for the World" in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rotberg and Dennis Thompson eds., (Princeton: Princeton University Press, 2000), p. 164.

^{LXVII} For Hampton's discussion of theories of human worth, see "Forgiveness, Resentment, and Hatred," another of her essays in the same volume.

^{LXVIII} I refer here to apartheid in its generic form, which is alive and well in many parts of the world.

distinguish just from unjust systems of retributive justice. Given its origins in a theory of human equality, it may be especially helpful in the identification of judicial arrangements that maintain inequality.

So far we have considered only the first of the two ideas that, according to Hampton, combine to give retribution its "irresistible character." This is the notion that *punishment is a defeat*. The second idea, which receives much less attention from Hampton, also relates to her philosophy of human worth. It expands her treatment of retribution to include its deterrent value. According to Hampton, punishment has "*vindicating value through protection*." Punishment is analogous to a nettle's sting. Just as nettles protect a plant through chemicals that produce pain in animals, punishment protects human beings through the activation of unpleasant experiences. When this protection is administered by the state, it consumes scarce public resources. Despite this, it is offered to everyone, even those who, because of frailty or infirmity or some disorder, contribute little to society from a utilitarian point of view. This fact underscores the essential equality of all human beings.^{LXIX}

Hampton's theory of retribution is helpful to the purposes of our study for a number of reasons. First, it depicts the retributive emotions as having a cognitive, even a rational component. It is true that the urge to revenge is irrational in some measure; perhaps this is why it the subject of a taboo. In fact, Hampton probably underplays the extent to which the urge to retaliate is primitive and instinctual. She also neglects the fact that cognitive

^{LXIX} Hampton here seems to be describing an ideal, which is approximated in some societies. In other societies, the inequality of protection offered serves to make it very clear that not all persons are seen to have equal worth.

content in the retributive emotions can be quite irrational, weaving the retaliatory urge into symbol systems that can increase both its power and the social damage caused by its being acted out.^{LXX} My interviews with black victims of political violence in South Africa have convinced me, however, that the cognitive content of retributive emotions is often rational. Many of those who suffered torture or lost loved ones do not simply thirst for the pain of those who hurt them. They hunger for formal and public processes that acknowledge their full humanity, and the humanity of their kind - something that was long denied.

Second, Hampton's theory explicitly states the connection between retributive motivations and retributive justice. This linkage of psychological processes to political arrangements that produce a social good is exactly the kind of connection we are trying to make in our own study of forgiveness. Even better, and this serves as the third reason why Hampton's theory advances our own work, her description of retributive emotions is harmonious with, one might even say an extension of, our own treatment of resentment (in the introduction and elsewhere).^{LXXI} To the extent that the surrender of resentment is at the heart of forgiveness as we understand it, Hampton's work paves the way for an exploration of the relationship between retribution and forgiveness.

Finally, her theory of retribution is based on a philosophy of fundamental human equality, but also acknowledges the ubiquitous temptation to violate this equality through illegitimate self-assertion. For a study of South Africa, a country which has suffered so

^{LXX} This seems to happen at both psychological and sociological levels.

^{LXXI} This is not surprising, given the influence of earlier chapters of *Forgiveness and Mercy* on our understanding of resentment and forgiveness.

much from the denial of human equality and the illegitimate self-assertion of one racial group, this is invaluable.

Hampton is not alone in asserting that the fundamental goal of retributive justice is the restoration of equality. Jennifer J. Llewellyn and Robert Howse make the same claim, while arguing that it is important to see this equality not as an abstract status but as a social fact. It is a status or standing shared by all *as members of society*. "In a modern liberal democratic society, this means equality or equivalence in rights and duties corresponding to the status of membership."^{LXXII}

Llewellyn and Howse's emphasis on social equality augments Hampton's theory,^{LXXIII} and reminds us that punishment needs to happen in a fashion that clarifies and underscores every citizen's equal rights and duties.^{LXXIV} Where punishment cannot achieve this alone, it will have to be accompanied by other measures. It is important not to lose sight of the

^{LXXII} Jennifer J. Llewellyn and Robert Howse. "Institutions for Restorative Justice: The South African Truth and Reconciliation Commission", *University of Toronto Law Journal* 49.3, (1999) <<http://utpress.utoronto.ca/journal/ejournals.htm>>. Their reference to "a modern liberal democratic society" is interesting because many of the transitional justice programs implemented by successor regimes can be seen as measures designed to make their countries liberal democracies.

Llewellyn and Howse offer a theory of retributive justice that is quite different from Hampton's. They argue, in agreement with Nietzsche, that retributive theory grafts the idea of the restoration of social equilibrium onto ancient practices that predate criminal justice. These practices go back to a time when clans or tribes, instead of individuals, were basic social units. Under these circumstances, "it was easy to conceive restoration of social equality as entailing the sacrifice of a member of the perpetrator's tribe B in order to restore equality after the murder by the perpetrator from B of a victim in tribe A." When consciousness of individual rights and responsibility emerged, punishing the clan no longer seemed appropriate. "It is here that retributive theory proper emerges to explain how social equality might be restored by inflicting on the individual perpetrator what might previously have been inflicted on his family."

^{LXXIII} Hampton does not deny that the equilibrium reestablished by retribution is social, but neither does she emphasize this point. This is not a surprise, given the extent to which her dialogue with Murphy focuses on psychological factors.

^{LXXIV} It is important to note how this equality relates to citizenship. Punishment in a transitional context like South Africa can be seen as action designed to reinforce the fundamental status of equal citizenship. In that country equal citizenship for all is a new development, following centuries in which there was tiered citizenship and many residents were regarded only as subjects, not citizens.

emphasis placed on the self-respect of victims by Murphy and Hampton, however, especially when our focus is on a context such as South Africa where the dignity of so many has been trampled. Legitimate retribution serves both psychological and sociological functions; losing sight of either, could lead to the truncation of punishment's redemptive value - for both victim and offender. This latter point reminds us of the enduring necessity, often not met, to administer punishment that, while causing offenders to lose face, does not deny their essential dignity.

While the Hampton and Murphy dialogue is oriented to an understanding of forgiveness, it is not especially concerned with *political* forgiveness - even less so with forgiveness and reconciliation in transitional regimes. Among those who study these contexts, and those who work in them, there are many who hold that retributive justice is a necessary and essential component of any legitimate transition to peace and democracy. Some of these persons are among the critics of amnesty processes. But there are also actors and thinkers who deny the legitimacy of retribution in transitional situations. In "Trials, Commissions, and Investigating Committees: the Elusive Search for Norms of Due Process", Sanford Levinson reports the view of Bruce Ackerman:

Writing in particular of the aftermath of Communism in Eastern Europe, Ackerman severely criticizes those who would "squander moral capital in an ineffective effort to right past wrongs - creating martyrs and fostering political alienation, rather than contributing to a genuine sense of vindication." Indeed, he says, "Moral capital is better spent in educating the population in the limits of the law" rather than engaging in "a quixotic quest after the mirage of corrective justice." Ackerman is not simply making a political point about the effective expenditure of political capital. Rather, he also cautions that any attempts to engage in corrective justice will generate "the perpetuation of moral arbitrariness and the creation of a new generation of victims" because of the inevitable deviations from due process that would attach to trials.¹⁸⁹

Ackerman goes so far as to advocate the burning of all files that document the illegal actions of officials of past regimes so that they cannot be used in trials. He argues that it is "essential to dampen all urges toward retribution that might be felt by the new political winners against their former oppressors."¹⁹⁰ Ackerman's view on these matters appears to be largely oriented toward post-Communist Europe, a focus different from ours. It is understandable that the study of a different context would lead to different conclusions. Even with this in mind, however, his assertions need to be challenged. It is naive to think that the preclusion of trials through the destruction of records would dampen urges toward retribution in any country. It would simply reduce the possibility of having retribution pursued through legitimate means. Also, Ackerman's assumption that ventures in "corrective justice" would lead to violations of due process is too pessimistic. The case of General Malan in South Africa proved that due process can be followed by successor regimes, even if it lessens the likelihood of guilty verdicts. A third point that needs to be challenged is his claim that "moral capital" would be better spent in educating the population in the limits of law than in the pursuit of retributive justice. Citizens in most transitional regimes are only too aware of the limits of law. As much moral capital as can be garnered will have to be spent on the rebuilding of legitimate criminal law and the expansion of human rights law. Nothing will accomplish this more than the elimination of impunity. Ackerman's measures would extend the reign of impunity for lawbreaking officials into the future.

Those who criticize retributive justice usually do so from a place of concern for such ends as the stopping of cycles of vengeance, the rehabilitation of both victims and offenders, the creation of respect for human rights, and the healing of the fabric of

society.^{LXXV} These are legitimate concerns, for sure, but they are all jeopardized by impunity, and, while retributive justice is not the only medicine for impunity, it is a very powerful one.

Alex Boraine, the Vice-Chairman of the TRC, outlined the ills of impunity when delineating his argument against blanket amnesty for South Africa:

- ✓ Impunity threatens belief in a democratic society. The fact that those responsible for violations are not put on trial and submitted to criminal justice creates doubts and fears about democratic ideas and ideals.
- ✓ Impunity confuses and creates ambiguous social, moral, and psychological limits. A society that does not investigate or punish serious crimes blurs the norms of right and wrong.
- ✓ The lies and denials are institutionalized and are defended by the laws of the country. One law prohibits violence and force while another protects wrongdoers against fair trial and punishment.
- ✓ Impunity tempts people to take the law into their own hands.

Impunity invalidates and denies what has happened and thereby limits the possibility of effective communication between fellow citizens. This hampers collective mourning and the collective working through of what has happened.

- ✓ Impunity strengthens powerlessness, guilt, and shame.
- ✓ Impunity affects belief in the future and may leave a historical "no man's land" in which there is both an official and an unofficial version of events - something that

^{LXXV} Ironically, these are often the very same ends championed by supporters of retributive justice, underscoring that the debate is, at least partially, a false one.

may give rise to historical stagnation, limiting the possibility of moving ahead and creating a common just society.¹⁹¹

Amnesty International has been a vocal opponent of moves by successor regimes, such as blanket amnesties, that advance impunity. In a statement given before the United Nations Commission on Human Rights, Sub-Committee on Prevention of Discrimination and Protection of Minorities, the organization condemned impunity as negating the value of truth and justice and leading to further violations. It insisted that transitional governments undertake three responsibilities: one, the investigation of human rights violations; two, the bringing to justice of human rights violators, even those who served with the past (or current) regime; three, the avoidance of amnesty laws that have the effect of preventing the emergence of truth and responsibility.¹⁹²

Unfortunately, but perhaps unavoidably, discussions about transitional justice often become reduced to retribution versus reconciliation debates, with those upholding reconciliation assuming that champions of rehabilitation, restorative justice, and forgiveness will naturally join their side. It is especially common to hear it said that retribution and forgiveness are incompatible by nature. If we are correct in our perception that the overcoming of resentment is central to forgiveness, then we can understand this view. Forgiveness requires a surrender of resentment; the pursuit of retaliatory punishment involves the acceptance and assertion of resentment and other retributive emotions. The opposition between these two orientations seems clear, but there is another way to see it - at least there is when a diachronic axis is introduced. The satisfaction of retributive desires, such that the original statement about relative worth inherent in the

offense is defeated, should lead to the slackening of those very desires in many instances. At this point, resentment and associated antipathies may be weakened to the point that their surrender, and therefore forgiveness, is more possible.^{LXXVI} Each case will unfold differently, and the movement toward forgiveness will take time where it occurs at all, but it is certainly legitimate to argue that in many, if not most cases there can be a place for retribution on the journey to forgiveness without bringing a premature end to that journey.

In the townships on the edge of Cape Town, there exists a "Mothers' Group" of eight or ten women. The common element that brings these mothers together is not the fact that they have children, but that they have all lost children - to political violence administered by the apartheid state. Several of the mothers of the Guguletu Seven belong to this group, as does at least one woman who is not African, but a mixed race person.^{LXXVII} They meet to support each other emotionally, to help each other cope with conditions of poverty, and to seek community improvement consistent with the vision of a just society for which their sons died.

For most of them, the poverty they suffer is exacerbated by the death of their sons. Their boys died just as they were reaching adulthood and becoming breadwinners. This new source of income would have benefited the mothers and their families for some time to come, as is the norm in African families. Also, the trauma of losing a child to violence

^{LXXVI} There will, of course, be other factors in play. These include the ability of victims to empathize with offenders and the existence and quality of dialogue between them. These issues will be examined in much greater detail in our consideration of Act Five, Embracing Forgiveness.

^{LXXVII} The Guguletu Seven were a group of young men recruited to join the ANC by an organizer who was actually working for the security police. They were led to an ambush, where all died of gunshots and/or other injuries inflicted by policemen. See Chapter Four for more about this.

severely affected the women's husbands. Several of them suffered early deaths or debilitating illnesses, pushing their families further into poverty.

These mothers, like thousands of other victims of political violence, have been promised a significant amount of compensation under a reparations plan proposed by the TRC.

Unfortunately, the ANC government has not seen fit to implement the plan, leaving the mothers exasperated. The ones who participated in the HRV Hearings, and received a promise of reparation payments, have been left feeling abandoned.

George Bizos points out that the plight of these mothers is a story repeated throughout South Africa. He says the security forces targeted intelligent and hardworking individuals for "elimination." Those who disappeared are the very individuals who "would have made something of their lives." Their absence leaves their families in financial poverty, and often in a poverty of meaning.

When I met the Mothers' Group, they had just received a modest amount of money from a private donor and were discussing what to do with it. The temptation to simply split up the money and use it for household purposes would be very understandable, but this was not contemplated. After considering the possibility of establishing an educational bursary with the funds, they decided to save that project for another time, and to use the donation to create a memorial for their children and other youths who were lost to apartheid violence. For them, the most important first step of restoration was a restoration of meaning.

Restorative Justice

In the previous section, I argued for the congeniality of retributive and restorative justice. Indeed, to the extent that Hampton's theory is correct, restoration (of human worth) can be seen as the very purpose of retribution;^{LXXVIII} but understanding the relationship between the two categories of justice also requires clarity about their differences. In a very helpful article entitled "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice", Elizabeth Kiss treats the similarities and differences in a fashion that highlights the essential concerns of restorative justice.

Restorative justice includes a threefold commitment (1) to affirm and restore the dignity of those whose human rights have been violated; (2) to hold perpetrators accountable, emphasizing the harm that they have done to individual human beings; and (3) to create social conditions in which human rights will be respected. As yet, all of these features are perfectly compatible with retributive justice. To be sure, trials rarely do justice to victims' voices in the way truth commissions have the capacity to do, and traditional conceptions of retributive justice place relatively little emphasis on restoring victims' dignity. Nevertheless, legal punishment of rights violators remains a powerful way of affirming the dignity of victims. Thus far, the difference between retributive and restorative justice appears to be one in emphasis and degree rather than in kind. It becomes much sharper when we consider a fourth aspect of restorative justice, its commitment to reconciliation. For while retributive justice demands that the guilty be punished, restorative justice, in Tutu's words, "is concerned not so much with punishment as with correcting imbalances, restoring broken relationships - with healing, harmony and reconciliation." Thus, a key defining element of restorative justice is its privileging of reconciliation over retribution.^{193 LXXIX}

^{LXXVIII} At the level of international law, the imperative to keep the compatibility between these two kinds of justice in mind will grow in the years to come as entities such as the United Nations War Crimes Tribunal and the International Criminal Court seek to exert retributive justice over actors from nations that are also in great need of restorative justice. The former Yugoslavia serves as a prime example. In the spring of 2001, a growing number of commentators were calling for a truth and reconciliation commission. At the same time, the successor regime in Belgrade was wrestling with the international community over which court, a national one or an international one, deserved the first chance at prosecuting former President Milosovic. A more cohesive approach to transitional justice would have been better: one that balanced the demands and coordinated the possibilities of retributive and restorative justice. Given the political realities of the Balkans, the youth of the international courts, and the inability of the United Nations to forge a unified policy, however, such a view is utopian.

^{LXXIX} It is worth rehearsing Kiss' list of the commitments to which restorative justice is beholden: one, the dignity of victims; two, the accountability of offenders; three, respect for human rights; and, four, reconciliation. Two issues should be flagged here; both have to do with the parameters of restoration in transitional contexts. First, Kiss makes no reference to distributive justice or the amelioration of economic conditions. In countries which have suffered pervasive oppression or civil war, there has almost always been a spreading of economic injustice; very often, those most victimized by this injustice are the same people who have borne the brunt of political injustice. It makes no sense to delineate the contours of restorative justice without including these considerations. One could argue that these concerns are subsumed within Kiss' categories of dignity for victims and/or the creation of social conditions in which

We might say that Kiss sees an essential compatibility between the two forms of justice, while acknowledging that they tend to be pursued with different orientations or lived out in different spirits. Llewellyn and Howse believe that the difference is more profound. They argue that one is fundamentally oriented toward integration, while the other reestablishes social equilibrium through the employment of *isolation*.

Restorative justice theory ... preserves the intrinsically *social* dimension in the moral intuition that 'something must be done' in response to the offence. The equality or equilibrium that must be restored is an equality or equilibrium in relationships *within* society, with one of the parties in the relationship being the perpetrator. This leads to the *precise* contrast between restorative and retributive theory in terms of the social practices they justify and generate - not the crude contrast between punishment and everything else, but rather between paradigmatically isolating measures and paradigmatically reintegrative ones. What restorative justice theory asserts is not the preferability of the latter from some external point of view, such as that of social welfare or social self-protection. Rather, it asserts the logical necessity of reintegrative measures. This necessity derives from the understanding of society as comprised ideally of equal individual citizens in relationship. The restoration of social equality after the offence is thus related to the restoration of equality in the relationship between the perpetrator of the offence and other members of society, including the victim.¹⁹⁴

Interestingly, Llewellyn and Howse base their theory of restorative justice on an ethic similar to the one upon which Hampton bases her theory of retributive justice: the fundamental equality of persons (or citizens in Llewellyn and Howse's case, reflecting their focus on *social* equilibrium). They argue that, especially for transitional societies,

human rights will be respected, an argument I would accept, but there is merit in stating them more explicitly.

Second, the inclusion of reconciliation is notable for its ambition, even though it does not seem novel in the wake of the TRC experience. No small number of commentators have argued that transitional arrangements should be oriented to the more modest goal of peaceful and functional coexistence. They say that reconciliation involves changes of heart, which move too slowly for judicial consideration, and which are more properly the concerns of other institutions, such as churches. Emphasis on reconciliation threatens to draw too much attention and too many resources away from the more pressing concern of social stability and functionality. Kiss sides with the architects and pilots of the TRC, who were willing to take this risk.

restorative measures are superior to punitive ones because integration does more to repair social equality.

They also point to another fundamental difference between restorative and retributive justice that is particularly relevant to transitional measures for societies that have not been fundamentally just. They argue that "criminal justice" (i.e. retributive or punitive justice) seeks to return offenders and victims to a *preexisting* state of just equilibrium.^{LXXX} In other words, it makes the assumption that the "*status quo ante*" was "consistent with Right." They argue further that restorative justice does not legitimate the *status quo ante*, but instead "problematizes the issue of which set of practices can or should in a given context achieve the goal of restoration of equality in society." Instead of having authorities impose measures designed to restore an antecedent state of Right, restorative justice functions with the understanding that "restoration will *ultimately* depend on a broader social transformation to create full equality in society among victims and perpetrators, *while at the same time* addressing particular offences such as gross human rights violations." This social transformation will require dialogue between and the participation of victims, perpetrators, and others. It will also have to employ many devices beyond punishment.

Both the dialogue concerning transformation and the strategies chosen will be influenced by contextual and cultural factors. These factors should give transformative measures much of their dynamism. The recourse to the African philosophy and theology of ubuntu

^{LXXX} Not all theorists of retributive justice make this assertion. Many simply argue that retributive justice simply seeks to offer the offender what he deserves - punishment.

by Archbishop Tutu and number of others during the proceedings of the TRC serves of an example of contextual vitality.^{LXXXI}

"District Six" was the location of South Africa most famous, and infamous, forced resettlement. When it was first occupied, District Six was actually on the outskirts of Cape Town, but, as the city grew, it became enfolded in the urban center. Most of the people who lived there were neither white nor African. In apartheid terminology, they were called "Coloured," but this labeling did injustice to the cultural and ethnic diversity that thrived there. When listening to accounts of life in that borough, it is difficult to sift history from legend; a powerful and beautiful mythology has grown up about the community, aided by the work of such figures as Richard Reeve - a District Six boy who was educated at Oxford and became an internationally celebrated playwright before his murder in the late eighties.

One thing is clear: a very diverse collection of peoples, including Christians, Jews, and Muslims, lived together with a harmony and a vitality that disproved the fundamental tenets of apartheid. Even the quasi-criminal youth gangs like the Seven Steps Gang are remembered with more fondness than fear. Religious celebrations and cultural festivals from many traditions were performed in the streets, often with neighbours from different backgrounds joining in.

^{LXXXI} In his book *No Future Without Forgiveness* (London: Rider, 1999), pp. 34-5. Desmond Tutu has this to say about *ubuntu*: "*Ubuntu* is very difficult to render into a Western language. It speaks of the very essence of being human. When we want to give high praise to someone we say, 'Yu u nobuntu': 'Hey, he or she has *ubuntu*.' This means they are generous, hospitable, friendly, caring, and compassionate. They share what they have. It also means my humanity is caught up, is inextricably bound up, in theirs. We belong to a bundle of life. We say, 'a person is a person through other people'."

As Cape Town grew, the land in District Six became more valuable, and white developers and officials began to covet it. The National Party government was already offended by the extent to which District Six demonstrated the power of cross-cultural engagement and the possibility of interracial friendship. Besides, it was becoming a center of anti-apartheid activity. In the late sixties bulldozers were sent in and the entire borough, save for a few houses of worship, was razed to the ground. Residents were dispersed throughout new townships that were being constructed at greater distances from the city. In fact, some people were sent so far away that their daily train or bus commute to work in Cape Town took hours. The new settlements were more race and class specific. Today they are awash in poverty and report some of the highest violent crime rates in the world. Many of the people who were resettled describe the experience as heartbreaking or even soul shattering. Younger generations speak of the old folks who never recovered.

The sparing of churches and Mosques by the government was a tactical mistake. Former residents continued to travel there to worship, and they became key to the resistance against new development. Even today much of the land has not been redeveloped. The movement to revitalize District Six as a cultural ideal and as a community is very much alive. Congregations like St. Marks Anglican Church and the local Moravian fellowship, along with a number of community groups, are involved in efforts to reclaim the land and have it used for purposes true to the spirit of the community. The District Six Museum is known around the world for its commemoration of what was, and for the resources it provides to artists and cultural rebuilders. It is housed in an old Methodist Church, a building that was no longer needed by its mixed race congregation when it amalgamated with a white congregation in Cape Town. The new congregation, Central Methodist

Mission, is carrying former residents of District Six and their children into new adventures of interracial camaraderie.

Transitional Justice in South Africa

One of the great challenges facing successor regimes is the delineation of transitional justice measures. The difficulty of this task is often compounded by institutional weakness resulting from years of civil war, or by institutional illegitimacy arising from years (or decades) of oppression, or both. Often the civil sector has been decimated by attacks from governments or other power bases that felt threatened by any form of community organization. Where the civil sector is strong, it may be largely molded and motivated by a liberation paradigm that is inherently suspicious of government initiatives. Where there has been civil war, public sector institutions are often starved from the diversion of funds to the military. Physical and human resource infrastructures will be reeling. Where there has been state-sponsored oppression, the bureaucracy will be corrupt in some measure and burdened by deformed patterns of operation. Significant elements of the private sector will have blood on their hands and will have developed corporate cultures that are short on respect for the rule of law.

The Chilean lawyer and former truth commissioner, Jose Zalaquett, is a leading expert on the challenges faced by transitional democracies. His preference is clearly for restorative over retributive measures.^{LXXXII} Despite this view, Zalaquett accepts both kinds of

^{LXXXII} Zalaquett appears to be one of the international figures who has most influenced the architects of the TRC and the scholars who are evaluating it. He asserts that "There is a long-standing tradition, both religious and humanistic, that establishes a moral superiority of forgiveness and reconciliation over

measures as legitimate contents of a comprehensive transitional justice policy. For him, such a policy should be oriented to two overriding goals: one, the reparation of society; and, two, the prevention of the recurrence of human rights violations. Measures that are just and that advance these goals, even punitive ones, are acceptable.¹⁹⁵

The goals named by Zalaquett further round out Kiss' list of restorative justice's commitments. Her list included: the affirmation and restoration of the dignity of victims; the accountability of perpetrators; the creation of social conditions in which human rights will be respected; and reconciliation. Zalaquett's goal of the repair of society resonates with my highlighting of distributive justice. He speaks of reparation in broad terms, which include psychological healing and the memorializing of loss, but which also give economic compensation an important place. The breadth of Zalaquett's concern reminds us that distributive justice is not just about economics.¹⁹⁶ The distribution of life chances, educational opportunities, and recreational and cultural resources is also relevant.

Zalaquett's second goal, the prevention of further human rights abuses, repeats Kiss' commitment to the fostering of social conditions in which human rights will be respected, even if it is stated in a slightly different manner. Actually, there are two objectives contained within these statements; they are related, but can be identified individually. The first is the need for socio-cultural systems that uphold and protect human rights, and the second is the imperative to prevent or break cycles of vengeance.

punishment. This is not a pious renunciation of justice. Rather, it means that if the reestablishment of moral order may be similarly achieved through either path, the road of forgiveness and reconciliation should be preferred." Alex Boraine and Janet Levy eds. *The Healing of the Nation?* (Capetown, 1995), p. 46. Quoted in Elizabeth Kiss, "Moral Ambition Within and Beyond Political Constraints" Robert I. Rotberg and Dennis Thompson, eds., *Truth v. Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press, 2000), p. 80.

In his essay, "Justice without Punishment: Guaranteeing Human Rights in Transitional Societies", Paul van Zyl offers a list of requirements that successor regimes are compelled to meet by international law.¹⁹⁷ Van Zyl gives special attention to the decisions of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights regarding Latin American countries that have passed through periods of extreme oppression of human rights and have implemented amnesties. Having examined the offerings of Kiss and Zalaquett, his list will seem familiar to us. According to his reading of international law, a state must fulfill five obligations regarding gross human rights violations committed by a previous regime: one, investigate the identity, fate, and whereabouts of victims; two, investigate the identity of perpetrators; three, provide compensation to victims; four, take affirmative steps to ensure that human rights abuse does not recur; five, prosecute and punish those guilty of human rights violations.¹⁹⁸

Van Zyl's naming of the obligation to investigate perpetrators resonates with Kiss' claim that accountability for perpetrators is one of restorative justice's central commitments, but he goes further, claiming that international law as interpreted by the two Inter-American judicial bodies requires *punishment*. He tempers this, however, by saying that there is a recognition that successor regimes will not always be able to prosecute. In fact, he outlines the requirements for legitimate derogation: one, a state must present convincing evidence that it was unable to prosecute;^{LXXXIII} two, a majority of citizens must freely

^{LXXXIII} This inability to prosecute usually arises because agents of the former regime are in a position to stop the transition to democracy or cause a renewed outbreak of hostilities, or because "insuperable difficulties" make it impossible to punish more than a small fraction of those responsible for human rights violations.

endorse the transitional justice policy; three, the state must make a good faith effort to comply with all the other requirements; four, the state must minimize the extent to which the failure to prosecute impedes other international law obligations.¹⁹⁹

We are now in a position to make our own list of objectives for a program or systematic policy of transitional justice.

1. *The restoration and celebration of the dignity of victims.* It is important to do this in a fashion that does not make victimization the single defining characteristic of their identity. This is why I say their dignity must be celebrated. The courage and sacrificial gift of martyrs can be held up, as can the endurance of those who survived. It is also important to recognize a body of people larger than those who suffered gross human rights violations like murder, kidnapping, or torture. Generally, a much larger number will have suffered economic loss, restricted legal protection, inferior government services in areas such as education and health care, and/or other injuries. As Murphy and Hampton recognize, these are double affronts; there is the concrete loss, and there is the accompanying statement about the inherent value of those who suffer it.
2. *The implementation of measures to ensure accountability.* These measures can lead to accountability for perpetrators that is either weak or strong. A simple naming of perpetrators would fall at one end of that spectrum; only under extreme and rare circumstances would it be acceptable to forgo such measures. The administering of criminal punishments would fall at the other. Following van Zyl, we can say that,

while it is not always necessary to do this, credible reasons for derogation must be advanced.

There is another kind of accountability as well. This belongs to all those who supported and/or benefited from illegitimate governments, policies, or practices. In South Africa, for example, responsibility for apartheid is shared among those millions who voted for the National Party, benefited from economic exploitation, or simply refused to voice opposition. Almost all whites own a measure of this.

3. *The entrenchment, upholding, and protection of human rights.* This involves the passing of laws that acknowledge international human rights, the fostering of a culture of respect for those rights, and behavior on the part of the government that is consistent with such respect.
4. *The implementation of measures to advance distributive justice.* This work goes beyond the transitional justice policy of a successor regime. It will be a consideration in broad areas of public policy, but it is important that transitional arrangements take distributive justice concerns into account, especially where amnesty is granted. Where perpetrators receive clemency, there is a visible good to them. It is essential that this good be balanced by the granting of something of substantial benefit to victims.
5. *The prevention of revenge taking and other forms of violence.* This is a more complicated task than it might appear if we accept the perspective of people like Eric Harper, who believe that the high violent crime levels in South Africa represent a

kind of sublimated vengeance.^{LXXXIV} Even black on black violence, they claim, can be understood as partially arising from this dynamic.

6. *The pursuit of reconciliation.* As mentioned earlier, not everyone agrees that this is an appropriate objective of transitional justice measures. Some feel that it is too soft a goal to be incorporated within a justice schema (this opinion does not seem to be held by many proponents of restorative justice), others feel that it is too ambitious. It is true that substantial reconciliation will usually belong to a temporal horizon that is more distant than that of transitional arrangements, but this does not mean it should be ignored. Developments in the years immediately after transition will set a tone for relations between former enemies; if transitional arrangements can make this tone more conciliatory, seeds may be planted that will blossom into forgiveness and rapprochement in the future.

We now turn to a reporting on and evaluation of the transitional justice arrangements put in place by South Africa's government of national unity, including the TRC.^{LXXXV} Our examination will cover each item on our list of transitional justice objectives, save one; our discussion of "the pursuit of reconciliation" will be reserved for the final chapter, "Embracing Forgiveness." Here it suffices to repeat that the TRC's commitment to restorative justice incorporated the goals of reconciliation and forgiveness to an extent

^{LXXXIV} Harper, a therapist at The Trauma Centre for Survivors of Violence and Torture in Cape Town, whom I interviewed in early 2000, believes that a significant proportion of family and community violence in black communities arises from rage that has political violence and oppression as its source. He is not unique in this belief. A number of other interviewees made similar assertions. See Chapter Eight.

^{LXXXV} The government of national unity was formed after the first free elections in 1994. The ANC clearly won those elections, but invited the National Party, the Inkatha Freedom Party, and others to join in the cabinet. After the 1999 elections the IFP still has representation in cabinet, but the National Party withdrew during the first term.

unmatched by any other truth commission. In the final chapter, we will consider the ways this worked and did not work.

The restoration and celebration of the dignity of victims

It is surprising to remember that for the earliest truth commissions, established two decades ago, the restoration of the dignity of victims was not an important goal.²⁰⁰ The fact that such restoration was at the very heart of the philosophy and founding principles of the TRC show us just how far we have come.^{LXXXVI} The truth-telling process, especially the part guided by the Human Rights Violations Committee, was the part of the TRC's work that was most successful in restoring and celebrating the dignity of those wounded by apartheid. Part of the reason for this was the willingness by commissioners who convened HRV Hearings to move out of a stiff, judicial mode of leadership. Following the lead of Archbishop Tutu, who was by far the most dynamic in this kind of facilitation, commissioners sang, prayed, cried, and engaged in other non-judicial rituals

^{LXXXVI} What follows are two paragraphs from the chapter of the TRC's *Final Report* that outlines its guiding principles (*Final Report*, vol. 1 chapter 5):

80 A principal task of the Commission was "restoring the human and civil dignity of victims". The work of the Commission as a whole, together with the specific contributions of its three committees, underlined the need to restore the dignity of all South Africans. In the process, the sons and daughters of South Africa would begin to feel truly 'at home'.

89 One of the unique features of the Act was that it provided guiding principles on how the Commission should deal with victims. These principles constituted the essence of the Commission's commitment to restorative justice. The Act required that the Commission help restore the human and civil dignity of victims "by granting them an opportunity to relate their own accounts of the violations of which they are the victim". Through the public unburdening of their grief - which would have been impossible within the context of an adversarial search for objective and corroborative evidence - those who were violated received public recognition that they had been wronged.

with participants. The deep empathy shown to victims by commissioners, whose membership was representative of South Africa's ethnic and cultural diversity, augmented the power of the revelations about past violations.

Kiss comments that this kind of victim-centered process can achieve a special form of justice beyond both retributive and distributive justice: justice as *recognition*. This involves acknowledging the distinctive identity of the other, working to repair damage done to him through violence, stigmatization, or disrespect, and building his stories into society's collective histories.²⁰¹ The *Final Report* of the TRC is a strong document from the point of view of justice as recognition. It does not simply document the crimes of apartheid's lieutenants (and the freedom fighters) in a legal or clinical fashion. It mixes narrative with analysis in an attempt to convey the perspectives, experiences, and feelings of victims (and perpetrators). In fact, an entire volume of the five-volume report is dedicated to victims' perspectives on human rights violations. The different sections of this volume report on different areas of the country, recognizing regional differences in the intensity, nature, and understanding of the conflict. While the TRC has been criticized for focusing on gross human rights violations to the exclusion of everyday humiliations of apartheid, the Institutional Hearings sought to fill this gap, and to portray the broader institutional and social environment. Special hearings focused on the experiences of children, youth, and women. Another volume of the *Final Report* is dedicated to this kind of reportage.

The most forceful and oft repeated criticism of the TRC has come from advocates of retributive justice who feel that the best way to restore the dignity of victims would have been to criminally prosecute human rights violators, and the best way to restore the dignity of South Africa's majority population would have been to try apartheid's leaders for crimes against humanity. In the chapter on amnesty, we discuss at some length the reasons, both practical and philosophical, why such trials were not held, but we are still left with the question, "was the amnesty just?" We will revisit this question and the larger issue of the defensibility of the TRC from the point of view of justice at the end of this chapter.

Here I will simply say that the victims of human rights violations that I interviewed were not in agreement on this issue. Some clearly felt that the amnesty process was justified because it helped the country move on and it advanced truth-telling. Others felt that amnesty for those perpetrators who made full disclosure without hesitation, offered statements of remorse, and asked for forgiveness was appropriate; but it was not appropriate for those who begrudgingly disclosed as little as possible and showed no regret. Others felt that the whole process was flawed and were angry that they could not prosecute or sue those who had harmed them or taken loved ones from them. Yazir Henry, for one, felt that the amnesty hearings prolonged and intensified the pain of victims while giving offenders a gift of clemency - surely an unjust configuration. On the other hand, some victims did report that the revisiting of pain during amnesty hearings advanced their healing process.

The implementation of measures to ensure accountability

This has already been discussed at some length.^{LXXXVII} As a review, we can point out that several kinds of accountability were clarified by the TRC. First, the HRV Hearings not only recognized the everyday indignities and injustices of apartheid; they sought to name the people, systems, and attitudes that were responsible for them. Those representatives of public sector and private sector bodies who were willing to testify at these hearings often voiced responsibility for supporting or being complicit with unjust systems. Others were pushed to do so. An unfortunate aspect of these hearings arose out of the fact that participation was voluntary (for the most part): many of the people who were complicit in systemic oppression did not show up, and many of the organizations with behaviors or policies to account for were not represented. Perhaps the most flagrant example was the failure of even one judge to attend the Legal Hearings. The TRC was given fairly strong powers to subpoena persons, but they were rarely used - the case of former president P.W. Botha being the most prominent exception.

A second kind of accountability was that accepted by amnesty applicants who confessed their offenses. As mentioned earlier, the very act of application amounted to an admission of responsibility. The suffering of moral judgment and public shaming can be seen as soft forms of retribution.

^{LXXXVII} See the last section of Chapter Six and my comments earlier in this chapter arising from Hampton's assertion that any *defeat* of the offender constitutes punishment. I argue that, in the amnesty process, applicants did suffer punishment.

A third kind of accountability was that imposed on individuals and organizations by the *Final Report*. In our chapter on apology, we discussed former president F.W. de Klerk's refusal to accept responsibility for the actions of security forces under his control. In the *Final Report*, he is designated such responsibility and criticized for his justifications. Former president Botha and other leaders are also judged for their roles in systematic programs of oppression.

A controversy that arose out of the TRC and its *Final Report* focused on whether the commission adequately distinguished between the kind of accountability that must be accepted by those who committed violations in support of apartheid and the kind that belongs to those who committed violations in an effort to end apartheid. This is an important issue. Those who hold that the TRC was just, offer its value for truth-telling as their strongest argument; if the commission proved unable to make such fundamentally important distinctions, then this argument loses much of its power. The ANC leadership felt strongly that this distinction was not being satisfactorily made, and even sued to prevent the release of the final report. The suit was unsuccessful. To outsiders, this controversy can be perplexing because the *Final Report* clearly distinguishes between violence in support of and in opposition to state racism, and judges apartheid itself as a crime against humanity.^{LXXXVIII}

^{LXXXVIII} Kader Asmal, the current ANC Minister of Education and one of the first prominent figures to champion a truth commission in the early nineties, (along with his co-authors) argues that the TRC's failure lies in a hesitancy to judge apartheid itself and its social policies as gross human rights violations themselves.

the Commission, at least in one respect, failed to come to terms with the heart of its mandate, and failed in a manner that bears on the usefulness of its Report as a whole. On the one hand, it declared firmly that apartheid was indeed a crime against humanity. On the other, it failed to draw some of the necessary conclusion from this finding. The whole apartheid system could rightly be labelled a gross violation of human rights, yet the Commission failed to review the terms of its mandate and so was unable to suggest a coherent concept of the 'gross violations of human rights', which were the subject of its

Does this controversy diminish the truth-telling value of the TRC and undercut those who argue that the commission was just? I do not think so, at least not to a great extent. As Kader Asmal stated, the judgments of the commission are most important in terms of their launching a long and broad public debate that will sift through facts and arguments and reach conclusions about South Africa's history. It is less important that the TRC and its *Final Report* "nail down" the truth than it is that the commission foster and advance the larger social process of truth-telling. We will return to this issue below when we consider *deliberative justice*.

In our chapter on amnesty, it was mentioned that the TRC could have gone further to manifest accountability through the employment of retributive measures which were softer than criminal punishment but harder than the shaming of public confession. These

investigation. It condemned human rights violations that were central to apartheid, causing apartheid to be condemned as a crime against humanity, in particular its racial divisions and its social engineering of the country into racially segregated enclaves. Nevertheless, the Commission concluded that these violations may not have been 'gross' as defined by the promotion of National Unity and Reconciliation Act of 1995, ... which gave birth to the Commission.

Kader Asmal, Louise Asmal, Ronald Suresh Roberts, "When the Assassin Cries Foul: the Modern Just War Doctrine", in *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, Charles Villa-Vicencio and Wilhelm Verwoerd eds. (Cape Town: University of Cape Town Press, 2000), p. 87.

I have to confess that this seems like splitting hairs to me. It is important to try to understand, however, why ANC leaders who called for and designed the TRC in the first place could be so upset with it when it neared the end of its work. Perhaps a clue lies in the original list of important works that would be accomplished by the commission which Asmal put forth just as it was being launched [See Kader Asmal, Louise Asmal, and Ronald Suresh Roberts, *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance* (Capetown & Johannesburg: David Philip Publishers, 1996), and my chapter on truth-telling]. He was very hopeful that the truth commission would justify the use of violence by liberation organizations such as the ANC, and would clearly distinguish between this violence and that of the state. In the commission's hearings, all violence was treated the same way: as gross human rights violations. Even if the tone was different when hearings dealt with violence committed by "freedom fighters," this fact was often overshadowed in media reporting and public reaction by the raw emotional impact of revelations. It seems clear that Asmal, President Thabo Mbeki, and other ANC leaders were upset that the TRC did not do more to justify the violence used by the ANC. They may also be disturbed by the tendency of many white South Africans to deny guilt because they committed no gross human rights violations. If apartheid itself had been identified as a gross violation, then anyone who voted for the National Party or otherwise supported state racism would have to see herself as a participant in a gross violation.

include lustration, the loss of the right to hold public sector employment, and the imposition of restitution. There were practical reasons for forgoing such measures - they would discourage perpetrators from applying for amnesty, truncating the truth-telling process - but are there philosophical or moral reasons? Is it *just* to forgo these measures? President Mandela, Archbishop Tutu, and the other architects and leaders of the TRC plainly agreed with Jose Zalaquett and others who believe there is a moral superiority to restorative measures over retributive ones. More on this later.

Rashied Omar is the imam of the Claremont Main Road Mosque in Cape Town, a faith community that is known in South Africa for its progressive views and practices. I have been told that it is the only mosque in the country that will allow women to preach during religious services. In the Western Cape, a radically "conservative" Muslim movement has evolved, and has shown a willingness to employ violence against those with whose social or religious practices it takes exception. Omar is seen by many as a courageous figure because of his willingness to risk personal harm as he supports progressive and ecumenical causes.

Perhaps this courage was first developed during his student days. Omar was somewhat of a prodigy as an adolescent. Under the guidance of religious instructors, he memorized the entire Koran. But it was Islam's teachings on justice that helped him understand the links between his faith and the political aspirations of blacks. Moved by a powerful theology of liberation, he became a leader in national Muslim youth organizations and student organizations at the University of Cape Town.

While Omar does have some praise for the ANC leadership which supported the TRC, saying that they salvaged something for victims from an amnesty process imposed by the "sunset clauses" of the Interim Constitution, he has strong criticism for the commission. He has trouble with the forgiveness rhetoric, saying that it is not a natural outgrowth of the inner transformation of people, but rather a product of both political pressures and the western Christian theology of Chairman Tutu, Vice-Chairman Boraine, and others. Islam teaches him that it is always better to forgive, "but if the perpetrators do not ask for forgiveness, how can we offer it?" In Islam, he argues, there is a connection between forgiveness and justice that does more to empower victims. Forgiveness is offered when the offender does three things: one, show remorse; two, reform himself; and three, make restitution or "diyah." In this process, victims or their families have some power to decide the fate of the person who has harmed them. Omar feels that the amnesty process of the TRC would have been more fair if it had included some of these requirements and, therefore, given more power to victims.

He is disheartened by the lack of remorse and willingness to offer restitution on the part of whites, both those who participated in the TRC Hearings and the community at large. The economic transformation of his country is a major concern for Omar: " True reconciliation will come about only with a fundamental redistribution of wealth and power." Repeating the call of a Rabbi at the TRC's Faith Hearings, he urges the business community to set up funds for the rebuilding of black communities. "We must bring together our best economic minds and find the most compassionate way to bridge the gap between the wealthy and the poor. Otherwise this might be done later through vengeance."

Omar, like so many others, laments the failure of the government to pay out reparations recommended by the Reparations Committee, but he says that even these measures would not correct a fundamental imbalance at the heart of the truth commission. For him the TRC arrangements, which offered clemency for perpetrators and reparations for victims, were a "patriarchal marriage - with the perpetrators being the male partner."

The entrenchment, upholding, and protection of human rights

The two objectives considered already, dignity for victims and accountability for perpetrators, can be seen as two sides of the same coin, and are essential to the creation of a culture of respect for human rights. Public assertions that there are no people so powerless or "insignificant" that their ill treatment is justifiable undermine beliefs that rationalize rights violations, and public demonstrations of empathy for those who have been oppressed force people under the sway of bigotry to consider the fundamental equality shared by all human beings. At the same time, the assigning of blame to those who have committed, inspired, or justified rights violations destroys the culture of impunity that is so often entrenched where the bigots or oppressors have held power.

The Hearings held by the Human Rights Violations Committee of the TRC were a stellar example of a process that employs both corrective activities. What is more, as indicated by the name of the committee, the whole orientation of the process was toward *human rights*. The educational value of this for a country that had experienced such a long period of disdain for fundamental rights cannot be easily overstated. While the HRV process

may have given greater attention to empathy for victims than to censure of violators, the balance was shifted back the other way by the amnesty process.

Even the debates and controversies had and continue to have educational value - including the one that arose from perceptions that the TRC failed to label apartheid itself as a human rights violation. In order to take a side in these debates, and to make credible arguments, people were forced to consider definitions and theories of human rights. These definitions and theories became a part of common knowledge and everyday public discourse in some sectors.

It is easy to see how the TRC, in its hearings and its *Final Report*, underscored the importance of human rights through the *deconstruction* of apartheid, but it also advanced the cause of human rights through the *construction* of a social good that has long been in short supply in South Africa. Amy Gutmann and Dennis Thompson call this good "democratic reciprocity," and link it closely with "deliberative democracy." According to these authors, the strongest argument that can be offered by those who would justify truth commissions is their value for the building of democracy that is deliberative and reciprocal.

In justifying truth commissions in a democratic context, we rely on a conception of deliberative democracy. Deliberative democracy offers the most promising perspective by which to judge the work of truth commissions that engage in public deliberations because, more than other conceptions of democracy, it defends a deliberative politics that is explicitly designed to deal with ongoing moral controversy. At the core of deliberative democracy is the idea that citizens and officials must justify any demands for collective action by giving good reasons that can be accepted by those who are bound by the action. When citizens morally disagree about public policy, they should deliberate with one another, seeking moral agreement when they can, and maintaining mutual respect when they cannot.

The fundamental value underlying this conception is reciprocity, which asks citizens to try to justify their political views to one another, and to treat with respect those who make

good-faith efforts to engage in this mutual enterprise even when they cannot resolve their disagreements.²⁰²

It is certain that South African society will be subject to extreme disagreements, moral and otherwise, for some time to come. The potential danger of these disputes to catalyze further human rights violations is increased by the legacy of problem-solving through violent means - a legacy shared by whites and blacks. Any fora in which citizens, especially those of different racial and cultural backgrounds, learn to handle disagreements by other means will be extremely helpful. If the fora are highly visible, thereby providing modeling for large numbers of people, all the better. Over the course of several years, the TRC provided a continual succession of such fora. Whites and blacks served as commissioners and conveners. Whites and blacks served as witnesses. Whites and blacks served as advocates, amnesty applicants, and affected parties who were given standing to speak. It is true that the proceedings sometimes became strained or confrontational, but all parties were protected by, and expected to act in accordance with, a common set of standards for debate and deliberation. Some have argued that blacks or whites or perpetrators or victims were given preference or greater leeway. This may have happened on isolated occasions, given that the commissioners who presided over the hearings were allowed broad sway in which to exercise their judgment, but there is no evidence that there was a general tendency to treat some groups with preference over others. Certainly victims were recipients of greater displays of empathy than were perpetrators, but one could hardly argue that this was inappropriate.

Gutmann and Thompson claim that one of the most important products of the democratic reciprocity modeled by truth commissions is "the principle of the economy of moral

disagreement."²⁰³ "This principal calls on citizens to justify their political positions by seeking a rationale that minimizes rejection of the positions they oppose." Citizens who operate on this principle seek significant points of convergence between their positions and those with whom they disagree. Again, given the polarization of political argument during the decades of apartheid, South Africa entered its new dispensation with what we might call "a poverty of convergence-seeking" in moral and political debates. To the extent that its truth commission taught people to "economize" on their disagreements, it generated invaluable currency.

Was the TRC able to manufacture such currency? It is difficult to answer this question with confidence. My impression - which developed while attending hearings, interviewing people who participated in hearings in a variety of capacities, interviewing citizens who followed them in the media, and reading transcripts - is that participants sometimes attempted to find common ground and economize on moral disagreements, and sometimes they did not. A number of factors seemed to have influenced hearings in this regard. First, and probably most important, was the willingness of perpetrators to show remorse and to empathize with their victims. To the extent that they were eager and able to do this, they usually engendered good will in other participants. When human rights violators demonstrated apathy or a hardness of heart, victims, commission lawyers, and others given standing to participate tended to harden their attitudes and refrain from seeking common ground with the violators. In hearings where no acknowledged perpetrators participated, such as Institutional and Special Hearings, the willingness of former supporters of apartheid to show contrition was key.

Another factor that seemed to influence willingness to economize on disagreements was the approach taken by the various lawyers who participated in hearings. At amnesty hearings, for example, there were usually present attorneys representing applicants, victims or victim's groups, and the commission itself. When the lawyers exhibited legalistic or confrontational modes of operation, other participants tended to respond by being very careful about what they said and by "getting their backs up." This did not make for much seeking of common ground. When lawyers were more gracious and "human," a better tone was often set.

A third factor that seemed to influence economizing of disagreements was the extent to which a hearing had become politicized in the media and public discourse. Over the course of the commission this seemed to happen more and more, making participants in hearings more tense and reticent.^{LXXXIX}

The implementation of measures to advance distributive justice

The greatest social ill in South Africa, one that is responsible in significant measure for other problems like AIDS and violent crime that receive more international attention, is

^{LXXXIX} If we accept Imam Omar's assertion that victims could have been given a measure of power in amnesty hearings to determine the fate of the applicants, then we have to conclude that the commission missed an opportunity to push deliberative democracy even further. It is inspiring to imagine "sentencing circles" in which amnesty applicants, victims, community representatives, and commission officials sat down together to decide whether the applicants were to get amnesty, and whether conditions such as lustration or restitution would be attached. This was a missed opportunity. It does not seem possible that applicants would have had enough trust for those who had been on the other side of the apartheid struggle to accept such a process. Many of those who did apply for amnesty would likely have taken their chances with criminal prosecution. Also, it is doubtful that by 1995 relations between South Africa's former enemies had stabilized enough for many of sentencing circles to work. Certainly, they would have been so publicly visible and the subject of such politicization that participants would have felt enormous pressure.

relative poverty - inequality.^{XC} In 1994, when the first democratic government came to power and was charged with building the country's transitional justice framework, there was no more pressing concern than distributive justice. The architects of the TRC recognized this, and included a Reparations Committee as one of the commission's three core councils. Despite what could be seen as a good beginning, the reparations component of the TRC has been its greatest and most bitter failure. Ironically, most of the blame does not lie at the feet of the commission but rather the ANC-led government that designed it, or at least approved the design. For reasons discussed elsewhere, relations between the TRC and the ANC leadership deteriorated badly. As a result of these tensions, plus apparent financial and administrative difficulties, the reparations promised to victims of human rights violations have not been paid, except for a small amount of Urgent Interim Reparations. Many of the other recommendations made by the Reparations Committee await action as well.

There was to be a trade off in the truth commission arrangements at heart of South Africa's transitional justice policy: clemency for human rights violators, reparations for victims - what Imam Omar called a "patriarchal marriage." The fact that perpetrators have received their good but victims have not is simply unjust. It has extended the injustice of the original violations and the system of state racism that fostered them.

This failing has been tempered by some successes of the new regime. The implementation of affirmative action policies, support programs for black businesses, the vast improvement of water distribution systems, and a measure of land reform serve as

^{XC} See Chapter Eight for a discussion of inequality, the need for socio-economic reconstruction, and the

examples. If we understand these measures to be part of the government's comprehensive transitional justice policy, which seems reasonable, then we can say that the overall transitional justice framework incorporates economic reparations more successfully than did the TRC. However, these successes themselves are overshadowed by stubborn poverty, very high unemployment, excruciatingly slow rates of reform in the education and health care sectors, and a host of other socioeconomic problems. The enduring lack of distributive justice threatens to reverse progress made toward the fostering of respect for human rights and the boosting of democratic reciprocity. How can whites and blacks be expected to meet and deliberate as equals when their socioeconomic situations are so radically different? Gutmann and Thompson recognize this problem: "Reciprocity also calls for establishing social and economic conditions that enable adults to engage with each other as civic equals. To the extent that those socioeconomic conditions are absent, as they are to varying extents from all existing democracies, a conception of deliberative democracy offers a critical perspective on socioeconomic as well as political institutions."²⁰⁴

The damage that relative poverty threatens to cause goes beyond sociopolitical erosion. Untreated, it may spark criminal violence even worse than that currently being experienced, or a return to political violence.

The prevention of revenge taking and other forms of violence

It would not be an overstatement to say that the society over which the government of national unity assumed responsibility in 1994 was awash in retributive emotions. If we

work of the TRC's Reparations Committee.

accept Hampton's assertion that retributive emotions arise from cognitive content that amounts to a refutation of statements belittling our self worth, statements which are inherent in human rights violations or other forms of illegitimate ill treatment, and if we have a rudimentary knowledge of South African history, then we will not be surprised by the pervasive nature of retaliatory feelings during this time of transition to democracy. Members of the majority population suffered denigrations of their humanity on a daily basis - as individuals, communities, and ethnic and cultural groups. How could there not be a flood of resentment and other antipathies?

A sour irony of history is that some of the developments which are tempering black resentment are becoming causes of bitterness among whites; the overwhelming election of the ANC, affirmative action measures, and the truth-telling process being prominent examples. One of the unfortunate qualities of human nature is a tendency to overestimate the wounds and slights we suffer and to underestimate the ones we inflict; this characteristic is a major contributing factor to cycles of revenge. Visitors to South Africa are often surprised to discover how many whites believe they are hard done by. Jacoby, Hampton, and many others describe retributive emotions as affective defenses of a social or moral equilibrium. A major problem in South Africa is that members of different communities have such different perceptions of what would be a just equilibrium. Action to shift economic or political balances in one direction will inevitably cause resentment among those who feel that the scales are already tilted too far in that direction. Given its numbers and its poverty, the African constituency seems most likely to produce acts of vengeance. Thus the greater practical urgency is to improve their socioeconomic lot. Fortunately, the greater moral urgency corresponds. Unfortunately, economic power is so

firmly held in white hands that the growing resentment among whites will make balancing the scales all the more difficult.

At present the levels of political violence in South Africa are fairly low. In the past couple of years, there has been some violence between supporters of different organizations in KwaZulu-Natal, and there have been racially motivated hate crimes in other areas of the country, some committed by white policemen. In the Western Cape, which contains Cape Town and African and mixed race townships populated by millions of people, a form of vigilantism that was both criminal and political arose in the late nineties. At the heart of this development was a group called PAGAD (People Against Gangsterism and Drugs). It was formed in boroughs which are mostly populated by people of mixed race, and which had some of the highest violent crime rates in the world. These rates were being inflated by the activities of and the wars between criminal gangs, as well as an ineffective criminal justice system. It is difficult to get solid information on PAGAD. What is known is that the organization grew progressively more vigilant and violent in the final years of the 1990s. Several gang leaders and members were killed, and some of PAGAD's leaders were sent to jail.

During the same years, a number of seemingly politically motivated bombings occurred in or around Cape Town. Some targets appear to have been picked for their association with the United States. These included a McDonald's, a New York Bagel restaurant, and the local Planet Hollywood. There has been much speculation that Muslim groups connected to PAGAD were involved, but these assertions remain unproved. Whatever the underlying motivations and groupings, the conflation of politics, ideology, and criminal

activities has spurred fears of a new wave of terrorism.²⁰⁵ Another kind of political-criminal violence is present in rural areas: attacks on white-owned farms, and the violence farmers have employed in response. The level of such strife is much lower than in Zimbabwe, however.

Despite these very serious developments, the overall incidence of political crime in South Africa is relatively low considering how close it was to civil war a little more than a decade ago. We should not be surprised by a rise in political violence in the coming decades if greater distributive justice is not achieved, but, in the meantime, the potential for some other forms of retributive action is equally worrisome.

South Africa's high rates of crime and violent crime are not unrelated to the retributive emotions spawned by apartheid and its legacy. These arise not only from decades of belittlement and economic oppression, but are stimulated by the evident reality that economic apartheid lives on. While black townships suffer from soaring unemployment rates and a poverty of social services, the minority population that supported and benefited from apartheid continues to do quite well. I am unaware of any studies or data that link relative poverty to property crimes by blacks against whites, but how could it be otherwise? And these property crimes, especially carjackings, are becoming more violent. It is true that most of the crimes committed by blacks have other blacks as their target, but we would be naïve to think that retributive emotions are not a causal factor in these acts as well. There is reason to believe that rage arising from political and economic apartheid is very much at play.^{XCI}

^{XCI} Another potential form of vengeance is what Juan J. Linz calls "*ressentiment* politics."

We have already discussed most of the transitional justice measures that can be expected to contribute to the prevention of vengeance. They are the same ones employed to meet other transitional justice goals: truth-telling, which vents anger and offers the balms of acknowledgment and empathy to victims, and which enacts the "revenge of memory;" an amnesty process that assigned accountability and soft forms of retribution; reparations, although this was a false start that engendered more resentment than it assuaged - perhaps more progress will be made in the near future, the TRC leadership is still pushing for a three billion Rand commitment; other measures designed to foster distributive justice, including affirmative action policies; and efforts to foster forgiveness and reconciliation. We might also mention the steps toward healing taken by the TRC.²⁰⁶ There is reason to believe that revenge fantasies can be worked through in the treatment of trauma.²⁰⁷ As

The new rulers have a tendency, probably based on their feeling of moral superiority, to waste energy in what might be called *ressentiment* politics against persons and institutions identified with the old order. This would consist in petty attacks on their dignity and their sentiments. Such measures are likely to be echoed at lower level (sic), in administration and local government, particularly in the rural societies, and may even be used in settling personal accounts.

Juan J. Linz. "The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration" in *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, vol. 1, Neil J. Kritz ed., (Washington D.C.: United States Institute of Peace Press, 1995), p. 125. Linz, following Max Scheler and Nietzsche, chooses to use the French term "*ressentiment*" instead of "resentment" because of a desire to convey the precise understanding of the term as defined by Nietzsche and elaborated upon by Scheler. He quotes Scheler's editor, Lewis A. Croser, in offering a definition:

It denotes an attitude which arises from a cumulative repression of feelings of hatred, revenge, envy and the like. When such feelings can be acted out, no *ressentiment* results. But when a person is unable to release the feelings against the persons or groups evoking them thus developing a sense of impotence, and when these feelings are continuously re-experienced over time, then *ressentiment* arises. *Ressentiment* leads to a tendency to degrade, to reduce genuine values as well as their bearers. As distinct from rebellion, *ressentiment* does not lead to an affirmation of countervalues since *ressentiment*-imbued persons secretly crave the values they publicly denounce.

Linz, p. 125 n. 51. Perhaps the most troublesome characteristic of "*ressentiment*" politics, outside of the perpetuation of bitterness that they cause, is their tendency to degrade both persons and values: a caustic combination in a country struggling to establish a human rights culture. Their negative affect on institutional performance can hardly be afforded when there is such a great need for socioeconomic reconstruction. Given that most business corporations in the country are still controlled by whites.

well, we should not forget that the government did try a number of high-profile human rights violators, and it is quite possible that more will be tried in the wake of the amnesty process.

These measures can easily be divided into two categories, even if some traverse the dividing line: there are restorative measures, which seek to prevent vengeance by *assuaging* retributive emotions, by improving the life conditions and psychological health of victims, and by reforming and reintegrating offenders; and there are punitive measures, which seek to prevent vengeance through deterrence, and by *satisfying* retributive emotions. The comparison and contrasting of these two categories has underscored all our discussions in this chapter, and is one of the hottest topics in current debates about judicial reform. It is worth mentioning one more time that they need not be seen as incompatible. Kiss makes this point in her discussion of restorative justice: "Restorative justice does not preclude punishing the guilty. Indeed, punishment can be justified as a way of restoring moral order. Arendt characterized punishment and forgiveness as alternatives but not opposites, because both were 'ways of attempting to put an end' to a cycle of vengeance, of action and reaction that 'without interference could go on endlessly.'"²⁰⁸ Even the key figures of the TRC apparently accept this perspective. To date, South Africa has clearly employed more restorative measures than punitive ones. It is a risk. As Jacoby warns, when people do not believe that, should they be victimized, a legitimate third party will exert punitive measures on their behalf, they start to take the law into their own hands. Has the soft punishment included within the amnesty process been strong enough to discourage this kind of vigilantism? Has the commitment to

resentment politics will also be employed against blacks. Indeed, there will be many more contexts in

human rights voiced by the new government and embodied in the TRC assured citizens that they will be protected in future? It is too early to tell these things. The lack of political violence is a good sign. The crime rates are a bad sign.

If the ANC Government decides to prosecute senior officials of the apartheid regime, the retributive component of the transitional justice framework could be augmented. A strong case can be made that human rights violators who decided not to apply for amnesty, as well as those who failed to meet the requirement of full disclosure, should be prosecuted where possible. In the amnesty process there was a trade off: freedom from prosecution and suit for those who aided the causes of truth-telling and reconciliation. It seems fair that perpetrators who refused to help those causes not be granted immunity, even by default. On the other hand, if the contemplated amnesty for senior ANC officials and apartheid-era generals is legislated, the soft form of retributive justice achieved to date will be further weakened.

Having surveyed the transitional justice measures implemented in the new South Africa, we are left with the question, "are they just?" In other words, from the point of view of justice, are the TRC and the other measures that comprise the overall policy morally defensible?

The first point that should be made is that the *manner* in which these policies were selected was fair and democratic. South Africa did not have an amnesty or any other program imposed by the military, or even by presidential decree. The truth commission

which the lion's share of the power is held by whites over blacks than the reverse.

and other policies were approved by a democratically elected parliament, after due debate and consideration. In fact, the political parties represented in the cabinet that approved the TRC earned well over two thirds of the vote in the 1994 election.

In order to answer our question regarding the moral defensibility of the transitional measures, we will have to address a number of sub-questions. The first one we should ask is: "was the South African experiment with a framework heavily tilted toward restorative justice and reconciliation justifiable?" Certainly, there was an enormous amount of social-political-economic damage to be undone in South Africa. In a situation like this, restorative justice provides many more options than does retributive justice. Even if many of the restorative measures employed in the TRC and elsewhere had not been previously tested to a very great extent, they needed to be tried. Desperate situations call for some risk-taking. Risk-taking based on a philosophy of rapprochement is a better gamble than risk-taking based on a philosophy of punishment.

The TRC experience has been an invaluable gift of trial and error learning for South Africa and for the world. Beyond that, however, the best argument in support of its restorative orientation is simply the availability of a greater range of instruments of transformation. And transformation was what was needed - not back to a pre-existing situation of social justice and harmony, but forward toward the envisioned "Rainbow Nation." There certainly was no desirable *status quo ante* in South Africa. If Lewellyn and Howse are right in their assertion that restorative justice is best suited to the creation of a new and just social equilibrium, then the choice for restoration was the correct one.

Our second sub-question is: "was it just to deny victims the right to prosecute or make civil suit?" In other words, is the amnesty morally defensible? To this question we can offer several answers of "yes," and one "no." Yes, because it was necessary in order to employ a broad restorative program, which was needed for the reasons just outlined. Yes, because only those perpetrators who fully and voluntarily participated in one aspect of the restorative program, truth-telling, are protected from prosecution and suit. Yes, because South Africa clearly meets the four criteria for derogation identified by international law (as interpreted by van Zyl).^{XCII} Yes, because, while the retributive character of the amnesty process was quite soft, it was strong enough, combined with truth-telling, to significantly undercut impunity. No, because the withholding of reparations has broken the balance between immunity for perpetrators and compensation for victims that was to characterize the TRC. The ensuing imbalance can only be seen as unjust. As mentioned earlier, other distributive justice measures being employed by the current ANC government may redress this situation, but, unless there is a quick implementation of many of the measures recommended by the Reparations Committee, the fact will remain that the TRC was perpetrator-friendly to an extent nobody wanted (except perpetrators perhaps). Indeed, one of the key reasons given by the court that upheld the amnesty provision of the TRC, was that victims could expect compensation in the form of reparations.²⁰⁹

^{XCII} One, a state must present convincing evidence that it was unable to prosecute; two, a majority of citizens must freely endorse the transitional justice policy; three, the state must make a good faith effort to comply with all the other requirements; four, the state must minimize the extent to which the failure to prosecute impedes other international law obligations.

Our final sub-question arises from Shriver's spectrum of possible responses to wrongdoing.^{XCIII} We might ask, "in the wake of such a long period of oppression and such extreme violations of human rights, did the successor regime employ reasonable responses to the wrong done?" Through the TRC and other agencies, the new government enacted three of the responses on Shriver's list: one, *punishment*, all be it a weak form; two, *restitution*, the moral form of which was much more comprehensive than the material; and three, *protest*, through discourse and documents that continually labeled apartheid and action in support of it as unjust, and which described some of the actions of anti-apartheid groups as wrong. All three of these responses are legitimate in general, and can be justified in the specific context of South Africa given the political and socioeconomic contingencies. The weak form of punishment employed may be strengthened if the government decides to pursue more prosecutions now that the amnesty process is ending. None of the illegitimate responses identified by Shriver - terror, vindictiveness, or passivity - were characteristic of the TRC or of the government's transitional policies in general.

A problem with discussions like ours in this chapter (in the whole dissertation) is that they are painted in such broad strokes that many small but important successes and failures receive no attention. In these broad strokes, however, and with the exception of the reparations failure, South Africa's transitional justice framework comes off looking pretty good, especially in comparison with the measures (or lack thereof) implemented by successor regimes in some other countries. The leaders of the government of national

^{XCIII} This spectrum is outlined and discussed in the opening section of Chapter Six. See also Shriver. *Ethic*, pp. 30-1.

unity, and of the TRC, acted with courage and conviction. They fell short sometimes, they succumbed to petty politics sometimes, but their vision and their resilience in the face of mammoth challenges are worthy of great admiration. My interviews with "ordinary" South Africans showed me that they too are reaching deep for vision, resilience, and courage. Some find more in the well than others. In the next chapter, we will see how, individually and collectively, they are finding ways to heal.

Chapter Eight

Act Four: Finding Ways to Heal

The psychological models of forgiveness we examined in the Introduction focused on two negative emotions as barriers to forgiving: resentment (which, in subsequent chapters, we have associated with other and stronger retributive emotions) and fear. The intervening chapters have focused a lot more on resentment than fear. In the first section of this chapter, we will try to make up for the lack of attention given to fear. That section will be concerned with *trauma*, a phenomenon which has terror at its core, and which was lamentably common in South Africa for a number of decades - and still is to a disturbing extent.^{XCIV} We will ask, "how does healing take place for and within a traumatized nation?" In section two, the relationship between healing and forgiveness will be explored in a discussion contextualized in the TRC. The final section will consider the Reparations Committee of the TRC, its recommendations, and the fate of those recommendations.

During one of the early HRV Hearings, a man named Lucas Sikwepere testified. "Baba" Sikwepere was at a community meeting, where 20 to 25 people were discussing communal violence in a couple of townships near Cape Town, when some security police drove up and told the group to disperse. ...

I was just standing for two minutes next to the window, I found out now - now this white man opened the door and withdraw his gun. Now I wanted to find out what is the story going on, on the other side of this car. I tried to peep and I was looking straight into him, straight to him. When - while I was still looking at him, these people asked him, how can you ask us to

^{XCIV} It seems to be lamentably common in North American society as well, considering the incidence of child abuse, domestic violence, rape and other violent crimes.

disperse, and yet we have no aims to do harm to anyone. We are here to stop whoever who is trying to burn this place up.

This white man said this in Afrikaans - you are going to get eventually what you looking for. And I am going to shoot you. I was shocked at what this white man said to him, to me. He said in Afrikaans, I am going to get you. Now I wanted to find out why is he talking to me like this. And I was just trying to find out was he referring to me by all these, and one - one of the men behind me ran. I saw this people surrounding this van - I was now wondering when - where do these people come from surrounding this van, all of a sudden.

After I saw this running men, now I didn't even care about this one, I was talking to. After that I heard a loud noise, it sounded like a stone hitting a sink, now it - it ended up looking now I was going to be included among these people surrounding this van. But I decided not to run, I decided to walk. Because I knew that if you run, you were going to be shot, so I decided let me just walk into a safe place where I can just start now running. But during that time shootings were going on, there were two white men in this car.

... when I arrived at the place when I thought now I am safe, I felt something hitting my cheek. I couldn't go any further, I stayed right there only to find out I had been hidden by a corner of a house. I felt my eyes itching, I was just itching my eyes, I was scratching my eyes I wasn't quite sure what happened to my eyes at that particular time. I felt somebody stepping on my right shoulder.

And saying I thought this dog has died already.

Later, Bapa Sikwepere was taken into custody...

The same white man still tried to torture me, another night this white man came again. They came to fetch me and I was staying that time with my girl friend. When I got to where the Casspir was going, it was Nyanga East at the police station. That's where they really beat me up so much that they said I was the organiser of all these riots.

I was worried, tried to think where were they taking me, they emphasized all - they were concentrating on me, most of the time, they took me to the cemetery. I was with Lulama Magoje and she was the one who was holding my hand. And they pushed me into a hole and they were - I was told to tell the truth even if you could die here now, nobody would know anything.

After finishing his account, Baba Sikwepere is asked by a TRC commissioner about his experience of testifying at the hearing:

Ms. Gobodo-Madikizela: Thank you, Baba.

Mr. Sikwepere: Yes, usually I have a fat body, but after that I lost all my body, now I am thin, as you can see me now.

Ms. Gobodo-Madikizela: How do you feel, Baba, about coming here to tell us your story.

Mr. Sikwepere: I feel what - what has brought my sight back, my eyesight back is to come back here and tell the story. But I feel what has been making me sick all the time is the fact that I couldn't tell my story. But now I - it feels like I got my sight back by coming here and telling you the story.^{XCV}

The Traumatized Nation

In her wonderfully lucid and challenging book, *Trauma and Recovery*,²¹⁰ Judith Herman surveys the history of the psychiatric study and treatment of trauma and outlines her own understanding of traumatic injury, as well as her model for its treatment. One of the things she is careful to point out, and which we will need to be mindful of as we examine the vestiges of terror in South Africa, is that traumatic experiences and the psychological conditions they cause are heterogeneous. The psychic wound and healing processes for a person who undergoes one terrifying experience caused by a natural disaster will be very different from the wound and healing of another person, with a different personality and self-understanding, who is subject to extended confinement and repeated torture. We need to be wary of generalizing statements and paradigmatic claims. Still, the psychological world of trauma and its repair has a topography that can be interpreted and

^{XCV} HRV Transcript, 22-25 April 1996. Hiedeveld - available at the TRC website: www.truth.org.za. This last statement by Baba Sikwepere may be the most repeated piece of testimony from all of the TRC

even codified to a certain degree. Herman will serve as our guide as we proceed into this territory with inexpert steps.

From the opening page of *Trauma and Recovery*, it is evident that Herman's treatment of traumatic disorders deals with many of the issues and dynamics that shaped the TRC:

The conflict between the will to deny horrible events and the will to proclaim them aloud is the central dialectic of psychological trauma. People who have survived atrocities often tell their stories in a highly emotional, contradictory, and fragmented manner which undermines their credibility and thereby serves the twin imperatives of truth-telling and secrecy. When the truth is finally recognized, survivors can begin their recovery. But far too often secrecy prevails, and the story of the traumatic event surfaces not as a verbal narrative but as a symptom.²¹¹

The suppression of the knowledge and experience of trauma is a theme that runs throughout *Trauma and Recovery*. In her historical survey, Herman shows how the psychiatric community's theories and treatment models for traumatic disorders were pushed underground or abandoned at several points because of social rejection. Society did not want to be confronted with the number and nature of the violations that were occurring in the trenches, in children's bedrooms, and in the variety of places where women are beaten and raped. Similar rejections usually happen wherever people are trying to push knowledge of horrible events into the consciousness of their families, their nations, or the international community. Given that truth-telling is a core need of people who have survived devastating events, the tendency of people around the survivor to repress her "bad wisdom"^{XCVI} is a daunting impediment to healing. This tendency is

hearings. It has become a part of public memory, and has been reproduced in a number of articles and books, including Krog's *Country of My Skull* and Tutu's *No Future Without Forgiveness*.

^{XCVI} I borrow this term from Suzanne Vega's song "Bad Wisdom," which I interpret as being about a child victim of sexual abuse and her isolation from the very people who should rescue her. The term could also be applied, for example, to torture victims and their experiential "wisdom" concerning methods of interrogation. A number of songs on Vega's album 99.9 F*, including the second take, "Blood Makes Noise," seem to speak to the horrible experience of psychological trauma and the subsequent dialectic of revelation vs. suppression.

usually shared by survivors themselves; they repress memories of the traumatic event, knowing that remembering will cause them pain and redefine who they are. Their vulnerability is profound. They will not be healed by clumsy truth-telling guided by unskilled mediators; revelation must be well-timed and must take place as part of a broader healing project that addresses such concerns as safety, support, and appropriate treatment for symptoms.

While Herman acknowledges that psychological trauma can be a group experience, her book is largely focused on the disorders and the healing of *individuals*. Given this focus, it is fascinating that she identifies the conflict between revelation and suppression as the central dynamic of trauma, and truth-telling as the needed remedy. South Africa's Truth and Reconciliation Commission was created to apply the remedy of truth-telling to the psychic wounds of a *nation*, a nation that was arguably the world's foremost example of "the conflict between the will to deny horrible events and the will to proclaim them aloud." Throughout this dissertation, we have been considering the relationship between interpersonal forgiveness and political forgiveness. In this chapter, an analogous relationship will test our faculties: that between the healing of individual trauma and the healing of national trauma. How intertwined are the work of personal healing and the work of societal healing? How much can either happen in the absence of the other? Is the correlation between the two always positive, or can measures to advance one retard the other? While we will not come to answers for these questions, they will help shape our present discussion.^{XCVII}

^{XCVII} It is important to underscore at this point, that I am no expert on trauma or associated disorders. The reflections in this part of the chapter are meant to be exploratory and generative; I am trying to flush out some of the dynamics of national healing in transitional contexts, not to come to conclusions regarding such healing or to articulate a model or a theory.

"Psychological trauma is an affliction of the powerless."²¹² It occurs when a person is rendered helpless by a force so powerful that it cannot be resisted. Tornadoes and earthquakes constitute such a force, so do rapists, torturers, and military juntas. When people fall prey to them, they become so wounded that they can lose their senses of control, connection, and even meaning. This psychic rupture seems to be connected to the full but unsuccessful employment of our natural defenses. The normal human response to danger involves a complex system of mental and physical reactions. The sympathetic nervous system becomes highly aroused. Attention becomes fiercely concentrated. Fear and anger rise. The person is prepared for intense action; she is ready to fight or flee. Trauma occurs when these actions and reactions fail, and neither resistance nor escape is possible. The instruments of self-defense become overwhelmed and disorganized. "Each component of the ordinary response to danger, having lost its utility, tends to persist in an altered and exaggerated state long after the actual danger is over."²¹³ The overall effect on the victim is a rupture of psychic integrity that leaves lasting changes in physiological arousal, emotion, cognition, and memory. Dysfunction may get worse as traumatic symptoms become disconnected from their source and take on lives of their own.²¹⁴

These symptoms include: hyperarousal, a permanent alertness of the system of self-preservation arising from the sense that danger may return at any moment; intrusion, the reliving of the event as though it were continually recurring, often through daytime flashbacks, nightmares, or reenactments of the trauma scene in disguised forms; and constriction, a surrender into numbness and shutting down of self-defenses which

resembles a "rabbit caught in the headlights," and which amounts to the opposite of hyperarousal. People suffering from a traumatic disorder often fall into a pattern of alternating between intrusion and surrender. In a desperate attempt at healing, the unconscious tries to recreate and resolve the traumatic event. When this gambit fails, there is a fall into despair.²¹⁵

A key issue is memory. Following Janet, Herman explains that traumatic memories are not encoded like ordinary adult memories in a linear, narrative fashion that is integrated into an ongoing life story. They are instead frozen and wordless. They do not give forth stories, but symptoms. The survivor of traumatic experiences retains them as horrible images, which burst out in nightmares and can dominate a person as an "idee fixe".²¹⁶ A major task in healing work is the transformation of these memories into narrative form. This gives the survivor some power over the memories, and it serves as preparation for the incorporation of the traumatic event and its damaging effects into a new self-image and self-understanding. This is where truth-telling is so important; Herman's "dialectic of trauma" (revelation versus repression) must be resolved in a *reconstruction* of violation or series of violations.

A social, even political, element of trauma and its reconstruction must be acknowledged. Herman is clear: "Denial, repression, and dissociation operate on a social as well as an individual level."²¹⁷ Witnesses as well as survivors of horrible events suffer from disturbing emotions and frozen or fragmented memories.²¹⁸ They are particularly prone to

guilt.^{XCVIII} Secondary traumas will be inflicted on others by survivors who take out their rage and retributive emotions on people in their families or communities.^{XCIX} If we think of African communities in apartheid South Africa, for example, we might ask whether whole communities were being traumatized. The presence of torture survivors, victims and witnesses of police shootings during demonstrations, and parties to the black on black violence frequently instigated by police would have meant that few people lived free of at least second-hand experience of atrocities.

When it comes to the work of truth-telling and reconstruction, communities and nations may have to have breakthroughs before individual victims can have theirs.

Clinicians know the privileged moment of insight when repressed ideas, feelings, and memories surface into consciousness. These moments occur in the history of societies as well as in the history of individuals. In the 1970s, the speakouts of the women's liberation movement brought to public awareness the widespread crimes of violence against women. Victims who had been silenced began to reveal their secrets.²¹⁹

The TRC served as a "privileged moment of insight" for South Africa. By holding regional Human Rights Violations Hearings that focused on atrocities in distinct political and cultural areas, it helped free communities as well as individuals to reveal their secrets.

The worst kind of trauma, that which is prolonged and repeated, occurs in situations of captivity. Traumatic captivity can take place in prisons, concentration camps, situations of enforced prostitution, or the family home. Domestic imprisonment is not enforced with

^{XCVIII} This tendency is so strong that persons not present to the event who hear it recounted later can experience guilt. Therapists working with trauma sufferers are especially susceptible. See Herman, p. 145-6.

^{XCIX} Herman warns against making assumptions on this point. She says that this does not occur as much as "popular wisdom" maintains it does.

bars and locks, but rather with the invisible instruments of conditioned dependency. In all these contexts, the perpetrator becomes the most powerful figure in the life of the victim. Herman recognizes a personality type common to captors in a wide range of settings. The most remarkable characteristic of the typical perpetrator is his apparent normality. Arendt's characterization of Eichmann as "normal", even banal, seems to be the norm. Somewhere in their makeup, however, torturers and brutalizers have an intense will to power and control. Herman offers this portrait:

Authoritarian, secretive, sometimes grandiose, and even paranoid, the perpetrator is nevertheless exquisitely sensitive to the realities of power and to social norms. Only rarely does he get into difficulties with the law; rather, he seeks out situations where his tyrannical behavior will be tolerated, condoned, or admired. His demeanor provides an excellent camouflage, for few people believe that extraordinary crimes can be committed by men of such conventional appearance.

The perpetrator's first goal appears to be the enslavement of his victim, and he accomplishes this goal by exercising despotic control over every aspect of the victim's life. But simple compliance rarely satisfies him; he appears to have a psychological need to justify his crimes, and for this he needs the victim's affirmation. Thus he relentlessly demands from his victim professions of respect, gratitude, or even love. His ultimate goal appears to be the creation of a willing victim. Hostages, political prisoners, battered women, and slaves have all remarked upon the captor's curious psychological dependence on his victim.²²⁰

Reading this passage, I was reminded of Jeffrey Benzien, the apartheid policeman who employed such interrogation methods as his infamous "wet bag."^C In attempts to curry his victims affection, he brought them ice cream and took them outside to play. At second glance, however, an even more disturbing insight arises: this passage not only describes the agents of apartheid, it describes apartheid itself, as well as the regime that enforced it. The apartheid regime was authoritarian, secretive, and oriented toward total control. It legislated who could marry (or even have sex with) whom, where people of different skin colours could live, and what types of employment and recreation they could engage in. It went to the ridiculous extremes of measuring peoples lips, hips, and the stiffness of their

^C See the chapter on amnesty for a description of Benzien and his methods.

hair in order to provide them with a racial designation. Blacks were not only enslaved by being brutalized; great efforts were made to make them passive and cheerful participants in a paternalistic relationship with whites. This was the goal of the Bantu education system, labour legislation, and much of Christian missionary activity.

When the carrot did not work, there was little hesitation to employ the stick. Herman describes the method of gaining control universally employed by captors: the "systematic, repetitive, infliction of psychological trauma."²²¹ Violence need only be employed infrequently, and as a last resort. The threat of violence can be used much more frequently, keeping captives in a constant state of fear. This is augmented by measures designed to destroy their sense of autonomy. Again, a perfect description of the policies and practices of the apartheid regime. Blacks were not the only targets. Whites who fought or unmasked the system of state racism were imprisoned, tortured, raped, and murdered. Their families were subjected to threats and social ostracizing. Churches weighed in with judgments and condemnations. Soldiers in the South African Defence Forces were forced to witness or commit atrocities and were subjected to punishment when they refused. Some of them may be among the most traumatized people in South Africa.^{CI}

By the time the new dispensation was ushered in in 1994, South Africa was undoubtedly a traumatized nation with millions of citizens suffering from stronger and weaker forms of traumatic disorders.²²² Many thousands of citizens had participated in or witnessed warfare, violent demonstrations, vigilante justice, or factional fighting between groups

such as the ANC and the Inkatha Freedom Party. A significant number had been detained and tortured. Many more had been violated by criminal or domestic violence.

It is difficult to know the extent to which the "non-political" violence in South Africa (such as criminal violence and domestic violence) was and is a secondary effect of political violence. I am aware of no studies that have examined the link between these two kinds of strife, but I have been told by psychotherapists that they are convinced such a link exists. Eric Harper, a therapist at The Trauma Centre for Survivors of Violence and Torture in Cape Town asserts that, in large measure, the current crime rates can be attributed to the country's political history. Society was traumatized during apartheid, and is now acting out of that trauma and the psycho-social damage it caused. "The violence of apartheid has definitely been internalized and acted out." He points to domestic violence as an example, and argues that it can be directly linked to the apartheid regime's attempt to humiliate black males and make them impotent. He also explains that the years of struggle caused many blacks to construct their identities around the ideal of the hero. This introduced an element of mania into a lot of personalities. Now that the struggle is over, the forum in which this mania could be legitimately expressed has disappeared. Gang membership, criminal activity, and domestic strife may all reflect the sublimation of manic energy.²²³

Herman points out that people who have been subjected to prolonged capture and mistreatment carry their captors within them when they are freed. The tormentor's psychological presence perpetuates in an internalized form long after his physical

²²³ American soldiers in Vietnam who committed or witnessed atrocities were much more likely than other

presence has ended.²²⁴ This relates to Harper's observation of apartheid internalized, and perhaps helps explain why crimes such as rape are so common in South Africa.^{CII} The internalized captor not only serves as someone to be feared, but also as a model. If apartheid constituted a situation of prolonged captivity for South African blacks, then it is not surprising that there are large numbers of men who are filled with rage and who express this rage through acts of capture and violation. (Violent men the world over chose women as their most common target.) Equally, white South African men will have been formed in the violence and modeling of apartheid. In fact, they may have been most susceptible to being shaped by apartheid's depiction of manhood.^{CIII}

If I had not visited South Africa and witnessed the vitality and resilience of its people first hand, I would find it disheartening to contemplate the depth and scope of societal healing that is needed. It would have been equally dispiriting to consider the number of individuals who need psychological healing from trauma. Even with South Africa's cultural and spiritual riches in mind, one is daunted by the magnitude of the therapeutic task. What are the parameters of this task?

soldiers to suffer post traumatic stress disorder. See Herman, *Trauma*, p. 54.

^{CII} "South Africa has one of the highest rape statistics in the world. In 1988, a total of 19 308 cases of rape were reported to the South African Police Service (SAPS). In 1994, this figure increased to 42 429 reported cases of rape. In 1996, 50 481 cases of rape were reported to the SAPS. According to the National Institute for Crime Prevention and Rehabilitation (NICRO), the situation is more serious. NICRO has estimated that only one in twenty rapes are reported to the police. On the basis of this estimate, it is calculated that one rape occurs every 83 seconds. The SAPS has recently presented an even bleaker picture and they have suggested that one rape occurs every 35 seconds." Mary Robertson, "An Overview of Rape in South Africa," *Centre for the Study of Violence and Reconciliation Website* <www.wits.ac.za/csvr/>.

^{CIII} Another phenomena that may be partially explainable by "internalized apartheid" is the marginalization and negative characterization of immigrants that is currently so common in South Africa. Because of poverty and the vestiges of warfare in nearby countries such as Mozambique, Angola, and Namibia - warfare that was initiated or worsened by the apartheid regime - many legal and illegal immigrants have flocked to South Africa, which is relatively wealthy and developed. In the eyes of many South Africans, these newcomers have become the "new kaffirs," leading to scapegoating and calls for expulsion.

Herman outlines two principles that are of central importance for the treatment of trauma. They arise from the reality that the core experiences of psychological trauma are disempowerment and disconnection, and serve as antipodes of these. The first principle is the empowerment of the survivor. "She must be the author and arbiter of her own recovery."²²⁵ Even if a therapist or an intervener understands the healing process better than the survivor, he or she must not take control of that process from the one seeking healing. Advice, support, assistance, and affection are all appropriate, but an intervention that takes power from the survivor will likely founder. The second principle is that relationship is essential to recovery. "In her renewed connections with other people, the survivor re-creates the psychological faculties that were damaged or deformed by the traumatic experience."²²⁶ Rehabilitation of these faculties will restore the survivor's ability to trust, to be autonomous, to take initiative, to construct identity, and to be intimate.²²⁷

The relationship with a therapist will be key. A mental health team that works with victims of human rights violations in Chile identifies the building of a working alliance between therapist and client as the starting point in the job of removing the latter from victimization. They call this alliance "the bond of commitment."²²⁸ For this relationship to have optimal effectiveness, the therapist will have to honour several imperatives. The first, as already mentioned, is that she must not wrestle control of the healing process from the client. The second is that the sole objective of the relationship must be the recovery of the patient.²²⁹ The third is that, while the therapist will be *technically* neutral, i.e. she will not take sides in the client's inner conflicts, she must not be *morally* neutral.

The therapist takes a stance of solidarity with the victim, and offers judgment of the acts that traumatized her.²³⁰ The Chilean mental health team puts it this way:

This special bond implies an ethical *non-neutral* attitude toward the patient's suffering. It is taken for granted that the patient's disturbance is the result of a traumatic experience inflicted purposefully and criminally for political reasons. The aim of the bond of commitment is to reestablish the patient's capacity to trust within a real relationship between human beings - accepting love, hate, sadness, rage, and many other emotions not only as intrapsychic or social realities, but as part of the ongoing, immediate relationship between the therapist and patient. In this context, overwhelming and fearful parts of a socially denied reality can be reconstructed and understood in both their intrapsychic and interpersonal dimensions. Finally it becomes possible for the patient to discriminate more adequately between inner and outer reality. In particular, the patient begins to comprehend the intrinsic relationship between the traumatic experience and the repressive political situation.²³¹

This passage reveals a conviction that the Chilean mental health team shares with Herman: trauma and its treatment must be seen as political where the traumatic injury was spurred by or even related to sociopolitical factors. The healing of the survivor cannot be disconnected from the transformation of society toward justice, even within the safe bounds of the therapeutic relationship. In fact, the disconnection of traumatic injury from its sociopolitical origin can worsen symptoms and impede recovery. The connection of treatment to societal change or social healing may well improve its chances and/or scope of success.^{CIV} Given the dissociation common to people suffering from traumatic disorders, the separation of reality from unreality is a core task of recovery. This task cannot be carried out in isolation from the sociopolitical dynamics that led to the violation and that impinge upon the survivor's web of relationships.

^{CIV} Not everyone agrees with this perspective. For an interesting exchange on this topic, see the comments of Tina Rosenberg, Lawrence Weschler, and Brinton Lykes in *Truth Commissions: A Comparative Assessment - An Interdisciplinary Discussion Held at Harvard Law School in May 1996* (Harvard Law School Human Rights Program, 1997), pp. 26-7.

Herman reports that some survivors of traumatic injuries undertake a mission to aid sufferers of similar injuries or to transform the social conditions which produce or permit those violations. Often for these

According to Herman, the healing process for trauma survivors passes through three stages.^{CV} The primary task of the first stage is to establish safety. There should be a shift from unpredictable danger to reliable safety. The primary task of the second stage is to remember and mourn. There should be a shift from dissociated trauma to acknowledged memory. The primary task of the third stage is to reconnect with ordinary life. There should be a shift from stigmatized isolation to renewed social connection.²³²

Stage one begins with the tricky work of diagnosis. Traumatic disorders are often misdiagnosed as other psychological conditions. They are also heterogeneous. Once a traumatic disorder had been identified, the first task is to establish safety for the survivor. This involves both physical and psychological elements. The patient first works with the therapist to restore control over his body. Survivors feel unsafe in their bodies. Physical strategies like medication, behavioral techniques, and exercise may be employed, and will be augmented by the gradual building of trust with the therapist. The restoration of stable eating and sleeping patterns and the reduction of hyperarousal and intrusion are sought.

Once this foundation of security is built to a reasonable degree, then there is a shift of focus toward creating a safe environment. The survivor will need a safe refuge and a stabilization of relationships. Support from sympathetic relatives or friends can be of great help. The patient works on a plan for future protection, which serves the twin purposes of creating safety and granting him more control over his own life through the

survivors, the mission becomes an integral part of the healing process. It is her observation that these survivors are often among those who have the most successful recoveries. Herman, *Trauma*, p. 73.

exercise of his judgment. To carry out this work, the survivor will have to analyze the dynamics of power in his social situation.

Because the challenges of the first stage are arduous, both the client and the therapist will be tempted to bypass them. Herman calls this error serious and common. Without a proper foundation of security, the recuperative enterprise can collapse in upon itself at a later time.²³³

The second stage of therapy focuses on truth-telling about the trauma, not in a coldly analytical fashion that focuses exclusively on facts, but in a narrative fashion that, not unlike the HRV Hearings of the TRC, honours the survivor's emotions and subjective "knowing." Again, it is the patient who will chose the pace and degree to which horrors are confronted. A critical task is the reconstruction of the story of the trauma. This work transforms traumatic memory from a frozen and wordless state (dissociation) into a narrative form, which also includes traumatic images and bodily sensations, that can then be integrated into the survivor's life story. This integration seems to be essential for a favorable recovery. The survivor needs to come to a self-understanding as a person whose life has been forever altered by the violation. Good things may actually come from the alteration, but the cost has been enormous and there can never be a complete return to one's old self.

^{CV} "Like any abstract concept, these stages of recovery are a convenient fiction, not to be taken too literally. They are an attempt to impose simplicity and order upon a process that is inherently turbulent and complex." Herman. *Trauma*, p. 155.

This realization inevitably opens him to strong grief, which necessitates deep mourning. The descent into mourning, while crucial, is often dreaded and resisted; the chasm of pain seems too broad and deep to be traversed. Particularly dangerous at this stage are fantasies of magical resolution through revenge, compensation, or *forgiveness*.²³⁴

In stage three, the focus shifts from the past to the future. After facing what he has been through and mourning the losses, the survivor now develops a new self with new relationships. He may feel like a refugee entering a new country. The issue of safety is often revisited at this stage, but now the goal is security in active engagement. Concrete steps are taken to increase the survivor's sense of power and control. A conscious choice to face danger may be taken. He may take self-defense courses, or try a wilderness challenge such as canoeing or rock climbing. Such activities provide opportunities to reconstruct normal psychological and physiological responses to fear and danger. The group component of the activities can establish trust and relationship skills.

Developing trust in and connection to others is a core piece of work in this stage, which may resemble a second adolescence as the survivor focuses on issues of identity and intimacy. Connections also move beyond the interpersonal to the social or even political realm. It is during stage three that a "survivor mission" may be selected. The survivor may engage the wider world in pursuit of justice or healing for others who have suffered. Social action can convey a sense of power, and can help the survivor understand the sociopolitical dimension of his violation(s).²³⁵

Mrs. Mekgwe is in her late fifties or early sixties. As a young woman she moved from one of the homelands to a township near Johannesburg. Like most of her neighbours, she and her husband struggled to provide for their family, but they got by and the situation started to improve when her sons reached an age at which they could contribute. While neither Mrs. Mekgwe nor her husband were politically active, one of her sons began to go to meetings of a group connected to the ANC.

She found out that her son had been shot and killed by security policemen when she turned on the evening news and saw his dead body. Her husband never recovered from the shock and the grief, dying of heart ailments three months later.

Mrs. Mekgwe was not able to complete her interview with me. Twice she broke down in tears while speaking of her losses. She is still overwhelmed by the events that happened a decade and a half ago, and by the poverty she fell into with the loss of two breadwinners. After the death of her son, she began attending ANC meetings and gathering with others who lost loved ones. She has found some support there, but has never been able to return to her old self or to find her way out from under the weight of her loss.

An askari^{CVI} who was involved in her son's murder has come to her seeking forgiveness. She refused, saying she carries a powerful hate for him.

^{CVI} "Askari" is a word used in South Africa to describe members of liberation organizations who were "turned" by security police, whom they then served.

One of the debates surrounding the TRC has been about its therapeutic value. Those on one side of the debate argue that the commission's hearings (and the public dialogue they fostered) have restored the dignity of apartheid's victims, have given them a place to cathart and to mourn before sympathetic witnesses, and have started the work of constructing a national narrative of empathy for their suffering and respect for their sacrifice. Those on the other side of the debate counter that nobody can be healed in one episode of public testimony, that most victims were never given even that small opportunity, and that the rehashing of traumatic events has actually been detrimental to some. Truth can be found in both sets of arguments.

The paragraphs which follow will seek to contribute to the debate by identifying some of the needs of trauma survivors that the TRC did and did not meet. It would be foolish, of course, to expect that the thousands of South Africans suffering from traumatic disorders would be healed to any great extent by a process of public hearings that was limited in scope and duration. It is appropriate, however, to ask whether this process *contributed to* their healing, established conditions that would facilitate it, and/or began the processes of healing the nation as a corporate body. One way to respond to this question is to relate the activities of the TRC to the needs of trauma survivors in each stage of recovery. As for the issue of the healing of the national body, we are not working with a model of national healing, and it would be naive to presuppose that Herman's model of individual healing can simply be applied as is to a national psyche. On the other hand, it is not too much of a stretch to assume that many of the needs of traumatized individuals - safety, stability,

truth, management of symptoms like manic hyperarousal, reconstruction of identity, etc. - are shared by traumatized societies. There will be heuristic value in considering the ways the TRC responded to those needs.

When viewing the TRC through the lens of Herman's three-stage model, it quickly becomes clear that the commission catered most to the exigencies of stage two. The central activity of stage two is truth-telling; this is what the TRC did best. But let us begin with the first stage, and move through the steps in proper order. The most important tasks of stage one are to establish safety and to foster healing relationships. It cannot be said that the TRC provided lasting aid to survivors of traumatic violation in this regard. Nor did it attempt to; the commission had neither the mandate nor the resources to alter the life circumstances or the relationship web of the thousands of victims who made themselves known. Counseling services were provided to victims who participated in HRV Hearings - they were less available to those who testified at Amnesty Hearings - but these services were not long term. It is possible that counselors facilitated access to longer-term services for some victims, but there was and is a dearth of such services for South Africa's poor. In retrospect, we can see the wisdom of having one component of the reparations package up and running early in the life of a truth commission: a network of counseling and social services for victims of trauma. It seems certain that some of the trauma sufferers who testified would have been entering the work of stage two - remembering and mourning - without having first laid the groundwork of support and security. Such a situation seems primed to increase the woundedness of some survivors.

It can be said that most of the testimony-givers who were asked to describe horrible events were given space to express the grief that accompanied their memories, and were given succour and empathy at the time of their testimony.^{CVII} TRC Hearings, especially the HRV Hearings, were infinitely better than criminal trials in this regard. They were explicitly concerned with upholding the dignity of those whose humanity had been trampled during the events under examination. Anyone who has witnessed the cross-examination of a rape victim during a criminal trial or a sexual abuse survivor during a civil suit, can only be thankful that the TRC was a creature with different stripes. There were exceptions to this protocol of course, but my impression is that they were infrequent. At least for the time that survivors were testifying, they were accorded safety.

I am less clear about the extent to which the etiquette of sympathetic treatment was extended to perpetrators. During my interviews, a small number of anecdotes were shared which suggested that alleged perpetrators, especially members of the apartheid enforcement apparatus, were denied both the solicitous treatment and the offer of counseling services given to victims. On the other hand, successful amnesty applicants were provided with security in the form of freedom from prosecution and suit, which may well have helped them get on with their lives and face the work of coming to terms with their involvement in horrible events.

I would argue that the amnesty process was only one element of a gift of security that the TRC gave to agents of the old regime, to the white community at large, and ultimately to

^{CVII} This can be said with confidence about the survivors who testified at hearings. The majority of survivors who made victim statements, however, made them in a one on one interview with a TRC staff person. It is more difficult to know what happened during these sessions, but, based on limited anecdotal evidence, my impression is that TRC interviewers were generally sympathetic and supportive.

the nation as a whole. When the new government was elected in 1994, democracy was green and fragile, there were legitimate fears of a coup or ongoing political violence, and whites were very concerned about the possibility of a backlash against them. The design, tone, and rhetoric of the TRC, combined with other policies of the ANC-led government, made it clear that South Africa's new black leaders were seeking reconciliation instead of revenge, that they saw an important place of full citizenship for whites in South Africa's future, and that the bosses and soldiers of the old regime would be treated with fairness and even generosity. None of the fears mentioned above have come true to any significant extent; South Africa is enjoying a level of political and social stability today that must be attributed in part to the TRC. This amounts to a significant meeting of the safety needs of the nation.

One thing that came up over and over again during my interviews with white South Africans was the role of Desmond Tutu. While many of the interviewees admitted to mistrusting and disliking him during the years of struggle, almost all of them spoke of a change of attitude during the life of the TRC. He made them realize that powerful Africans recognized their humanity and their citizenship. His concern for the forgiveness of white perpetrators and empathy for white victims became a national symbol (leading many blacks to feel some resentment toward him). It can be asserted, credibly if not definitively, that, during the years of the TRC's operation, South Africa as a whole entered into a therapeutic relationship with the Archbishop - and with the TRC through him. It was a relationship with ambivalence, with negative and positive transference, and with its ups and downs, but it was one that fostered healing. The work of healing will have to continue for many decades to come, and others will have to pick up Tutu's

mantle, but his charismatic leadership as chairman was a gift to the nation. Even if the commission was unable to fully accommodate the stage one needs of the individuals it encountered, it was able to advance the stability of South African society, and to apply some balm to the national psyche.

The core challenge of stage two of Herman's model is to engage in truth-telling that facilitates transformative remembering as well as mourning. Tina Rosenberg, among others, has recognized the value of truth commissions for both individuals and nations in this regard. The following represents one of her contributions to a dialogue about truth commissions held at Harvard University in 1996.

I am struck by how many comments outline the parallels between truth commissions and the therapeutic process of dealing with victims of post-traumatic stress disorder. The similarities are striking. People need to tell their story, but this is not all. Two other levels are important. People need to tell their stories to someone who is listening to them seriously and validating them. This is official acknowledgment.

More importantly, victims must be able to reintegrate that narrative into their whole life story. It must not be a separate and shattering incident. This has obvious importance for the victims of human rights abuses who recount their stories. Indeed, if the whole nation is suffering from post-traumatic stress disorder, this process would be appropriate for the whole nation.²³⁶

One of the participants who spoke after Rosenberg rightly cautioned the group about "using the analogy of post-traumatic stress disorder [to move] too quickly from the individual's process to the collectivity."²³⁷ He was concerned that such a move would depoliticize their perspective on truth commissions. While such a depoliticization would indeed be unhelpful, it is possible to employ the analogy of traumatic stress disorder without falling into this trap. Herman politicizes both the definition and the treatment of traumatic stress disorders. Any employment of the analogy that was informed by her model could not be apolitical. With this in mind, it is fair to say that a traumatized nation has a real need for re-articulation of its corporate story such that memory is "unfrozen"

and freed to be built into new narratives. These narratives can then be used in identity reconstruction and the building of a new future.

If identity construction is to happen such that former enemies come to understand each other as co-citizens, or even fellows, then the new narratives will have to be true to past experiences while including empathy for the subjective experiences of all parties - even former oppressors. This does not mean that judgment and punishment of wrongdoing must be abandoned, but rather that empathetic penetration of the motivations which led to the wrongdoing should accompany the judgment. The location of the origins of the myth of apartheid in Afrikaner experiences during the Boer Wars serves as an example. Such balancing of empathy with judgment is an imperative that distinguishes "societal therapy," if you will, from individual therapy.

The TRC struck a helpful balance in this regard, at least from the point of view of national *healing*.^{CVIII} It did not provide as much empathy for supporters of apartheid as many whites would have liked, and it did not offer as much judgment of apartheid as many blacks (and the ANC leaders) would have liked, but it made space for both. Perhaps in the treatment of individual traumatic disorders empathy for the violator is unnecessary - Herman's model seems to suggest this - but for the treatment of national trauma it cannot be dispensed with. To do so would further fracture the national community, leaving one group (or groups) to retreat into isolation. Such constituencies tend to turn to reified and resentful myths or narratives to guide their self-understanding

^{CVIII} Observers more concerned with other imperatives - justice for example - might have a different perspective on this balance.

and their relations with other constituencies. Not a good situation for a country worried about future returns to violence and trauma.

Shifting our perspective to the healing of individual trauma sufferers, it can be said that, while the TRC was certainly not a substitute for the prolonged process of remembering and mourning that would take place in therapy, it may have aided survivors in ways related to Herman's second stage. Counseling services are not readily available to South Africans who cannot pay for them, so, for many victims testifying to a TRC scribe or before a hearing may have been the only opportunity they had to tell their story to sympathetic listeners. It is an open question whether a single episode of such sharing is likely to do more harm or good.^{CIX}

Herman describes some powerful therapies for traumatic stress disorders that have testimony at their core. Some of the developers of these methods are Chilean psychotherapists working with victims of General Pinoche's terror. At the heart of these methods is a form of testimony which closely resembles that used by the TRC's - both at hearings and in individual depositions. The difference is that the therapies take place over lengthy periods of time. Testimonies are offered, reworked, and ritualized in a context where relationships of trust have been carefully built.²³⁸ The truth-telling process at the TRC seems to have tapped into the power of these therapies without including the safeguards. Is this a risk worth taking? To what extent have victims found healing in these encounters? How many accessed psychic material they were unable to handle?

^{CIX} From one perspective, these were not *single* episodes. Each person who testified became a part of a national process of transformation, lending credibility to her story and bonding her to many others. As such, the testimonies of others became her testimony in a dramatic way. Tutu, among others, argues that

Were the risks reduced by the brief nature of the encounter and the availability of counselors? These are fascinating questions for further study.

For now, we *can* say that these encounters and their national visibility served two purposes. First, they modeled a process of truth-telling that was both political and oriented toward healing. The drama of victims telling their stories, displaying strong emotions, and being joined by commissioners in their grieving was repeated many times, often on the airwaves. Many trauma survivors, even those who remained in anonymity, witnessed a pattern for dealing with their pain. Other people - family, friends, neighbours, fellow church members, etc. - were exposed to the same model. It is impossible to know how many families, congregations, and neighbourhoods are changing the ways they deal with the hurts of the past in response to this modeling, but some must be.

Second, the TRC and its hearings have developed a national narrative of violation and repair that can serve as a tableau against which trauma survivors can interpret their own stories. Herman underscores the importance of the exercise of both moral judgment and sociopolitical analysis in coming to terms with traumatic injuries. The TRC provided judgment and analysis in a form that was not reified and final, but which served as an opening to understanding, an exploration which all citizens were invited to join in their own ways.

The challenge to the trauma survivor in stage three of Herman's model is to develop a newly empowered and reconnected self. She accepts her wound and its effects, including

Africans are more communal and less individualistic than westerners. As such, this initiation into

helplessness and isolation. With a new self-understanding arising from the stage-two process of telling her story, she breaks out of helplessness by learning ways of facing fear and danger, and escapes isolation by building relationships of greater intimacy. The truth-telling activities of the TRC may have helped South African survivors of political trauma with the stage-two goal of self-understanding, thus laying the groundwork for the labour of stage three, but it offered little in terms of the challenges of stage three proper. Again, if the reparations package had been implemented, things may have been different. One of the measures recommended by the Reparation and Rehabilitation Committee was the development of community rehabilitation programs. As proposed, these would have provided healthcare, mental health services, housing, education and conflict resolution - all forms of aid which could have helped trauma survivors with the challenges of empowerment and reconnection.

One of the TRC's forms of empowering victims which we have already mentioned may have helped with stage three needs. Here I am referring to the repeated, public acts of recognition and expressions of empathy for people who were trampled by apartheid or the struggle that it spawned. Rosenberg referred to the survivors' "need to tell their stories to someone who is listening to them seriously and validating them. This is official acknowledgment." After such acknowledgment, trauma sufferers may feel less helpless.

The flip side of this acknowledgment, however, at least in the case of the TRC, was that individuals who had suffered loss or violation were being acknowledged *as victims*. The bestowing of the status of "victim" is a tricky business; it involves a confirmation of the

"something larger" may have been particularly powerful for Africans.

harm done and an offering of succour, but it can also reify a characterization (and self-understanding) of that person as helpless. Throughout her book, Herman uses the term "survivor" instead of "victim." This is a more hopeful designation, which implies strength and endurance.

In terms of the needs of the nation, the TRC may have advanced both empowerment and reconnection. Stage three empowerment involves facing fear and danger, and learning helpful ways of dealing with them. Through the TRC, South Africa faced the danger of revelations about its past. When the design of the commission, with its dominating truth-telling component, was made public, there were many expressions of concern that revelations would lead to acts of revenge, to political violence from those being named as perpetrators, or to an outpouring of pain and rage that the nation would not be able to handle. While the river of revelation has generated resentment, the fears of destabilization and violence have not come true. The body politic and the citizenry are learning how to disagree and debate about issues of great emotional attachment and political import. South Africans are feeling less helpless under the weight of their past than they were a decade ago.

In terms of reconnection, the TRC has aided the formation of both in-country and international relationships. It was a very large undertaking, which brought together members of almost all political and racial constituencies to work cooperatively. Commissioners, researchers, advocates, therapists, and technicians from a wide variety of communities worked together in intense circumstances that certainly generated conflict, but also fostered trust and intimacy. Academics, journalists, and policy-makers from

around the world flocked to South Africa to learn from their unprecedented experiment, and invited South Africans to their countries to share their learning. The global visibility of the TRC has helped change the international image of South Africa from a country in chains to a "rainbow nation."

Was the TRC therapy for the many South Africans traumatized by political violence? No, it was not. But it did perform some healing tasks: it provided a forum for truth-telling, remembrance, and mourning; it offered this forum to the nation to aid trauma survivors in their quest for self-understanding; and it may have helped some of these survivors in their search for healing models and healing relationships.

Was the TRC therapy for a traumatized nation? This is a more difficult question to answer. It certainly seems to have performed therapeutic tasks related to each of Herman's three stages. On the other hand, a full course of treatment for a nation like South Africa would take decades, not years. At this horizon the therapeutic analogy begins to break down.

Despite its limitations, the therapeutic analogy for sociopolitical mending has been a useful one. In the next section, we will suspend our discussion of national healing. The topic at hand will be forgiveness and healing. We will restrict our sphere of reflection to personal healing, for now, because the role of forgiveness in the repair of society is the central concern of the next chapter.

A final word before moving on. It is important to underscore the point that healing takes time; it cannot be rushed or programmed. There is an element of grace in healing. Sometimes all of the "right" things are done, all of the appropriate kinds of interventions made, and healing still does not happen; or it happens excruciatingly slowly. At other times it takes place despite the fact that there is minimal (or no) assistance and succour for the wounded person. This point is especially fitting when we are dealing with the healing of a people. For a concrete example, we need only turn our attention to the current debate about reparations for slavery. The kinds of interventions we are discussing in this chapter can only foster the possibility of healing, or perhaps augment the probability; they come with no guarantees.

Darby Ackerman is a middle-aged white man. In the early nineties - during the time of transition after the unbanning of the liberation organizations but before the election of the government of national unity - he lived near Cape Town and was a very active member of St. James Church in one of the suburbs. On a Sunday evening he was attending worship with a number of Russian sailors whom he had befriended through his participation in the congregation's outreach mission. Suddenly, the door to the church burst open, shots were fired, and grenades were thrown. The attack, carried out by APLA^{CX} commandos, lasted less than a minute but eleven people were killed and at least fifty-six injured.

Knowing that his son and wife were seated elsewhere in the sanctuary, Mr. Ackerman went looking for them. His son was unharmed, but his wife was badly wounded. He

rushed her to the hospital, where she died shortly after arrival. He then returned to the church to check on the fate of the Russian sailors and the rest of the congregation. Upon his return, he was met with TV cameras. Wanting to convey the message that "like Paul, murderers could be forgiven," he was immediately able to hold out forgiveness to the attackers. Both Mr. Ackerman and the congregation as a whole continued to offer the same message of pardon in the weeks that followed the massacre. He attributes this disposition to the grace of God and Christian training.

Nine months after the shooting, he began to slide into depression. A couple of years later, "the wheels really came off." Mr. Ackerman decided to leave his senior post with an important agency and seek healing. He now acknowledges that his choice to quickly offer forgiveness at the time of his wife's death was a sacrifice that kept him from facing fully his pain and beginning his mending process.

At a TRC hearing he was given an opportunity to confront the commandos who attacked the church. Each apologized in turn and asked for forgiveness. Even though he questions some of their factual statements made regarding the mission to attack the church - he believes they held back information to protect their seniors - Mr. Ackerman offered forgiveness. "If they expressed remorse, we had to forgive them." He also reminded them that he had no power to forgive sins. For him, the meeting with the perpetrators was a tremendous release and a cleansing, which coincided with the beginning of the lifting of his depression.

^{CX} APLA was an armed organization affiliated with the Pan-Africanist Congress, which appeared to be using violence against whites to strengthen its tenuous position in negotiations between the government and the liberation organizations.

Today Mr. Ackerman works as a director and fundraiser for a Christian school near Johannesburg. He has remarried.

The Healing Benefits and Dangers of Forgiveness

A major theme in the TRC's narrative of violation and repair was forgiveness. Again the commission was tapping into a powerful ideal in a way that involved significant risk. Archbishop Tutu was the great prophet of forgiveness, but he was far from the only figure that picked up on the theme. During the mid nineties, speeches, comments, and press conferences given by Tutu, President Mandela, and other officials connected to the commission were full of references to the need to forgive. When hearings began, the rhetoric of forgiveness found multiple expressions in this arena. Perpetrators asked for forgiveness; victims offered and denied it. Sometimes Tutu or other commissioners asked victims who had just described their experiences of violation if they could forgive the people that had harmed them.^{CXI} Many kinds of forgiveness were modeled or articulated: cheap forgiveness demanded by security policemen and white politicians; painful, costly forgiveness offered by victims of all races; ambivalent forgiveness offered by women and men still filled with rage; forgiveness by proxy, offered by families of murder victims.

Given the visibility of the TRC in the media, and the extent to which its themes penetrated public discourse, it was inevitable that survivors of political trauma, even those who stayed away from the commission, be confronted with the issue of forgiveness.

^{CXI} This practice was especially common during the first months of HRV Hearings.

The visibility of Tutu as its champion and the celebration of survivors who forgave their tormentors must have made many other victims of political trauma feel that they should try to live up to this standard. According to both Herman and Eric Harper, the Trauma Centre therapist, there is danger here. Herman points out that many trauma sufferers try to avoid the essential but excruciating task of mourning by engaging in fantasies of magical resolution. In some fantasies, forgiveness is the source of the magical resolution, thus stagnating the healing process of survivors who go this route.²³⁹ Harper articulates the danger in a different way. He asserts that efforts to live up to an ideal always cause some psychic material to be repressed. Working with his clients, he has observed that many victims of torture who try to live up to the forgiveness ideal block rage and other negative emotions out of their consciousness. Two distressing consequences frequently result: an arrest of the recovery process, and episodes in which the repressed material bursts out in behavior that hurts the survivor and/or his web of relationships.

In my interviews, I did come across survivors who admitted that they had forgiven too quickly, and that this had stunted their recovery and contributed to later collapses into depression. On the other hand, I heard from a larger number of survivors that they had benefited from the offering of forgiveness and the emotional release that ensued. An interesting observation arose from these interviews: the individuals who admitted to premature forgiveness had suffered direct and powerful experiences of trauma, which had deeply wounded them. In general, the survivors who claimed to have legitimately and fruitfully forgiven their tormentors seemed to have been less deeply or directly

traumatized in the first place.^{CXII} These observations lead me to wonder if there is an inverse correlation between the depth of trauma suffered and the potential healing value of forgiveness. Perhaps the issue is not the potential healing value of forgiveness, but rather the level of recovery that needs to be achieved before it is appropriate to introduce the issue of forgiveness.

Another set of observations from my interviews is relevant here. The interviewees who appeared most traumatized or otherwise wounded by their experiences - torture victims, a woman who had lost both a son and a husband in a short period of time, and others - were the least likely to frame their healing project with forgiveness included as a goal.^{CXIII} Again, we might ask, is this because they understood at some level that the task of forgiveness was not appropriate for them because they were too deeply wounded, or because it belonged to a point further down the road to recovery?

These observations raise many questions for further study. Psychological research on forgiveness is in its infancy, but is progressing.²⁴⁰ If future reconciliation initiatives in South Africa or elsewhere are designed to pursue the dual goals of forgiveness and healing, their designers would benefit greatly from an advance in our understanding of the relationship between the two pursuits. It is clear that the offering of forgiveness can be very healing for some victims of human rights violations. It is becoming equally clear that pressure to forgive can do some victims harm. An important topic for further psychological research is the factors and characteristics that distinguish these two groups.

^{CXII} It is important to offer a note of caution here. These observations are based on a relatively small number of interviews with victims of human rights violations. They are also preliminary and general. There is also a "chicken or egg" issue: perhaps the later group of interviewees appear less wounded because of their ability to fully forgive.

As outlined in the introduction to this dissertation, clinical interventions promoting forgiveness are being designed and tested. It would be unfortunate if these were applied in post-conflict contexts without first developing some wisdom about the circumstances in which they are likely to aid healing as opposed to interfering with it. It would be equally unfortunate if these models were employed without first being tested against the work of scholars and therapists who, like Herman, have politically contextualized psychological healing.

Matthew is an African man in his late thirties. A remarkably soft and gentle voice comes from this man whose appearance betrays the fact that he has suffered some very harsh treatment. He is the kind of person to whom one immediately warms. In his early twenties, he became involved with the United Democratic Front (UDF).^{CXIV} He was arrested by security police while in possession of arms, and was tortured to the point of losing consciousness. A detention of several years followed. After being released, his nightmare did not end. He was ambushed by an askari and shot several times. Some of the bullets remain in his body.

Today Matthew displays remarkably little anger toward those who wounded and tormented him, but the effects of his mistreatment show heavily. His speech is slow and unclear. His mental faculties appear to be degraded by physical injury and/or psychological trauma. While he says he forgives the men who shot and tortured him, and does not mind if they receive amnesty, he admits to feeling frustrated by the slow pace of reparations. Clearly disabled to the point that his prospects for earning a living are

^{CXIII} The above note of caution applies equally here.

poor, he is in great need of financial assistance. He celebrates the fact that there is now peace in his country and that he can live without fear of further political violence, but he would like some help in escaping extreme poverty. One cannot but hope that he gets it.

Reparations

Following a period of civil war or widespread abuse, many survivors will be suffering from physical, psychological, and economic injuries. Some will require basic medical care, some will be in need of psychotherapy, and large numbers will need financial help after losing family breadwinners, suffering property damage, or being unable to work as a result of their physical and emotional ailments. International law clearly establishes an obligation on the part of states to provide compensation for these injuries to the extent that they result from state abuses.²⁴¹ Even where there is no legal obligation to implement reparations, there is a practical one: attempts to repair the rending and rebuild a viable future will be hampered without them.

Reparations can take many forms beyond the payment of cash. Hayner points out that "reparations" is a general term encompassing the following forms of redress:

- ✓ *restitution* aims to reestablish to the extent possible the situation that existed before the violation took place;
- ✓ *compensation* relates to any economically assessable damage resulting from the violations;
- ✓ *rehabilitation* includes legal, medical, psychological and other care;

^{CXIV} During the years that the ANC was banned, the UDF function much like its in-country subsidiary.

✓ *satisfaction and guarantees of nonrepetition* relate to measures to acknowledge the violations and prevent their recurrence in the future.

Usually, a mix of these types of redress is appropriate.²⁴²

All of these measures seem like good things to do, and they usually are, but it is important to underscore just how difficult they can be to implement. It is even more of a challenge to announce and then execute a reparations program that does not end up dashing the hopes of potential beneficiaries. Martha Minnow offers the following caution.

One danger with any reparations effort is the suggestion that because some amends have been made, the underlying events need not be discussed again. Equally troubling to many survivors are assertions that monetary reparations can remedy nonmonetary harms, such as the death of a child, the loss of an arm, the agony of remembered torture, or the humiliation and shame of being wrongly detained and interned. The amounts of money likely to emerge from political processes, especially in economically depressed societies such as South Africa, can offer only token gestures whose small size underscores their inadequacy. As statements of actual value, they trivialize the harms.²⁴³

The reparations program in South Africa faces all of these dilemmas and more. Perhaps its largest challenge arises from its association with the amnesty process. One of the sources of controversy around the TRC was the perception that something concrete - freedom from prosecution and civil suit - was being offered to the perpetrators of crimes while no similar benefit was being offered to victims. In fact, argued critics of the commission, victims were actually having an important right stripped from them (legal redress). These criticisms would have been valid if there had not been a reparations component built into the commission. The TRC's Final Report clearly states that the need to counterbalance amnesty was a large part of the rationale for the building of reparations into the TRC process as one of the three primary areas of work.²⁴⁴ The same imperative

was stated equally clearly in earlier documents. The following paragraph comes from a report released after a TRC national consultation in April of 1997:

As the work of the TRC progresses, perpetrators who are granted amnesty are released from custody and indemnified from prosecution and civil claims, while victims who have approached the Commission are yet to see tangible gains from the process. It is within this context that the need to provide victims access to Urgent Interim Reparation is a moral imperative, as is the need to ensure that final reparation is granted as soon as possible after the Commission closes.²⁴⁵

The fact that final reparation has still not been granted almost three years after the release of the commission's *Final Report* makes the original criticisms that the commission would be unbalanced and perpetrator-friendly more valid than they seemed at the time. Before we delve into this issue, however, let us take a closer look at the work and recommendations of the Reparation and Rehabilitation Committee (RRC).

Financial compensation to individual victims of human rights violations was a major part of the work of the RRC. People who suffered such abuses were invited to make claims for compensation. The claims were then investigated and lists of people to be compensated were drawn.^{CXV} As indicated in the above quote, the compensation fell into two categories: Final Reparations, and "Urgent Interim Reparations." It was promised that Final Reparations would be granted after the TRC had finished its work and a comprehensive restoration plan had been designed to accompany individual cash payments. It was recognized, however, that the situations of some victims were so desperate that they could not await the final package.

^{CXV} Actually the work of developing the list of victims deserving of compensation was mostly performed by the Human Rights Violations Committee.

In response to these needs, a plan for Urgent Interim Reparation (UIR) was developed. In this plan five categories of UIR were outlined: emotional suffering and pain; medical care and assistance; material or financial need and limitations; access to and continuation of education; and the duty and obligation to remember (symbolic measures). The final category was the least concrete, but the plan outlined some possible measures: the clearing of victims' names, especially those with criminal records or considered to be informants; visiting burial sites or places where violations took place; expediting cases and payments; settling legal procedures; issuing death certificates for loved ones; exhumations and reburials; tombstones and shrines; facilitating public acknowledgments and apologies; and mediation between victims and offenders.²⁴⁶ As it turned out the interim reparations consisted largely of individual cash payments, the first of which were not released until 1998, shortly before the end of the TRC - a time when it was originally expected that Final Reparations might begin to be implemented.^{CXVI} The emphasis on cash payments arose from a decision by the RRC not to take a "service approach." More on this below.

In the meantime, the committee continued to work on the framework for final reparations. In October of 1997 it released its proposed policy for final reparations. The committee used several sources in the development of their framework. These included witnesses' statements, the TRC database,^{CXVII} and an intensive consultative process. It conducted monthly workshops in each regional office, inviting representatives of non-governmental organizations, community-based organizations, faith communities.

^{CXVI} It is not clear to me how many of the other measures originally proposed in the UIR package were actually carried out. I know that exhumations and reburials took place, for example, but I do not know if this happened under the sponsorship of the Reparations Committee.

academic institutions, government departments and youth organizations. The evolving philosophy and convictions of the committee were tested in communications with bodies such as the American Psychiatric Association, the British Medical Association, the United Nations, and the World Health Organization. Guidelines for the implementation of the proposals were also articulated. The committee was concerned that the implementation strategy allow for active community participation. It called for the process to be driven from the grassroots, and proposed the following “pillars upon which each service should be founded:” it should be development-centred; it should be simple and efficient; measures should be culturally appropriate; services should be community based; measures should aim at building capacity, and they should promote healing (and) reconciliation.²⁴⁷

In the end the reparation and rehabilitation policy was structured into five components. These components and the activities proposed within each were only *recommended* by the RRC and the TRC. Neither the committee nor the commission had the mandate, or a budget, to implement them. The power of implementation was retained by the federal government. The five components were:

- ✓ *Urgent interim reparation (UIR)*
- ✓ *Individual Reparation Grants (IRG)*: It was proposed that individual reparation take the form of a scheme under which survivors of gross human rights violations receive individual, annual monetary grants for a period of six years. People living in rural areas, where it is more difficult and expensive to access services such as health care,

CXVII “We analysed the needs and expectations of victims and survivors as extracted from their written statements and recorded on our database.”

and those with many dependents, could receive higher grants. The regular payment was to be about US\$3,500 per year for six years.

- ✓ *Symbolic reparation / Legal and Administrative measures:* Symbolic reparation was designed to facilitate the communal process of commemorating the pain and victories of the past. Amongst other measures, symbolic reparation was to entail the nomination of a national day of remembrance and reconciliation, and the erection of memorials and monuments. On a more individual level, some of the symbolic measures previously outlined under UIR were also proposed. The Commission further recommended that streets and community facilities should be renamed to reflect and honour individuals or events in those communities. It identified a need for culturally appropriate ceremonies in certain communities, which would in some instances include cleansing ceremonies. These were to be arranged by local and provincial authorities in close cooperation with faith communities and cultural and community organizations.
- ✓ *Community Rehabilitation Programs:* These were proposals for the establishment of community-based services and activities, aimed at promoting the healing and recovery of individuals and communities that have been affected by human rights violations. In order to enable individuals and communities to take control of their own lives, Community Rehabilitation Programs were to be administered on the principle that reparation should be development-centered. Their success would depend upon the provision of sufficient knowledge and information about available resources to victims through a participatory process. It was recommended that there be rehabilitation programs at community and national levels. These were to include the

following initiatives: community health care; mental health care^{CXVIII}; education and housing; a program to demilitarize youth who came to accept violence as a way of resolving conflict; and a multi-ministry program to resettle the thousands of "internal" refugees driven from their homes due to political conflict.

- ✓ *Institutional Reform*: These proposals focused on legal, administrative and institutional measures designed to prevent the recurrence of human rights abuses. The recommended institutional reform overlapped with the broader aims of the Commission, and was to be implemented in a wide range of sectors including the judiciary, media, security forces, and business.²⁴⁸

For most of the life of the commission, the reparations component of the TRC received the least attention from the media. This was surprising, given that the proposals offered by the RRC, if implemented, would have had a radical impact upon South African communities and institutions. We see in the reports of the committee a growing vision of a broad, deep, and enduring effort to reverse the tide of history. The architects of the TRC saw rehabilitation not only in terms of individual compensation but also in terms of the healing of whole communities. The Reparation and Rehabilitation Committee, like the other two committees, clearly felt that their work needed to be oriented toward a mending that was emotional, communal, institutional, and financial. In their view, reconciliation included not only the formation and repair of relationships that crossed ethnic and cultural groups, but also the drawing of marginalized cultural and ethnic groups into the center.

^{CXVIII} Including mental health interventions on the community level, as well as specialized trauma

It remains to be seen to what extent the government will implement the vision of the RRC, and how successful this implementation will be. In significant measure, the ability of the nation to reverse its vicious circle of history into a virtuous one will depend on the execution of initiatives highlighted by the RRC. Such a reversal will need the participation of all sectors of society.

So far the progress on the reparations front has been dismal. Little has happened except the individual interim payments. Even the administration of these grants has been fraught with glitches and controversy. Since the late nineties, the government has allocated 300 million Rand^{CXIX} for interim reparations, but by mid-2000 only 30 million had been paid out. Government representatives and TRC officials have been accusing each other of failing to set up the necessary structures for implementation. As for Final Reparations, the TRC estimates 3 billion Rand will be needed for compensation to 17,000 victims of apartheid atrocities. So far 800 million Rand has been set aside by the government, but the establishment of a framework for distributing even this amount seems to be far off. An inter-ministerial committee led by the Justice Department is working on a reparations policy, but one of its officials stated as late as the summer of 2001 that the nature of that policy is still unknown.²⁴⁹

The effects of the delay include the growth of strong resentment among victims who participated in the TRC process - most of whom came away with a clear understanding that they would receive compensation for the wrongs done to them - and the generation of widespread cynicism in South Africa regarding the reconciliation process. Many

counseling services, and family-based therapy.

voices are being heard to say, "I told you the killers and torturers would get the most from this." So far they are at least partially right. Human rights victims and the majority population in general have received gifts of acknowledgment and restored dignity from the truth-telling process, but these goods, while very valuable, are ephemeral. In terms of more tangible benefits, there was to be a tradeoff between amnesty for perpetrators and reparations for survivors and oppressed communities. Hundreds of offenders have been granted amnesty, some of them for horrible crimes, but victims and communities are still waiting for their compensation. NGOs, churches, and other civil society agencies have expressed outrage, several of them coalescing - with the aid of Archbishop Tutu - to launch a lawsuit against the government.

Another issue generating controversy is the role of the private sector in reparations. Shortly before closing shop in mid-2000, the TRC conducted a workshop on this question. Jubilee South Africa, an NGO that focuses on debt relief, has been spearheading a call for every government dollar directed toward reparations to be matched by one from the business community. So far businesses have resisted this request, claiming to already be spending large amounts on social investments.²⁵⁰

A number of reasons appear to have contributed to the tardy and unsatisfactory nature of the reparations process to date. The most obvious is the slowness of the entire TRC process. Even though the commission formally ended and submitted its *Final Report* in late 1998, its offices remained open and it continued to function until mid-2001. The largest piece of work carried out after 1998 was the completion of the amnesty

^{CXIX} On August 2, 2001 a U.S. Dollar was worth 8.23 Rand.

proceedings, but the RRC also continued its labour. Both committees submitted their final, final reports in mid-2001. Nobody expected the work to drag on this long, and it appears as though the government has been waiting for full closure of the commission before outlining a comprehensive reparations policy - assuming it has the desire and ability to formulate such a policy.

A second impediment to timely and effective reparations has been the outbreak of conflict between the TRC and the ANC Government. The ANC leadership was so displeased with the *Final Report* released in 1998 that it went to court in an unsuccessful bid to block its release. The major source of its displeasure appeared to be a perception that the commission and the report did not make a clear enough distinction between violence perpetrated by the forces of apartheid and violence performed by liberation forces.^{CXX} Other issues, including responsibility for delayed compensation, and the possibility of a blanket amnesty for ANC leaders, have fueled the friction. As a result, the current government does not seem disposed to follow the RRC's recommendations in a quick or comprehensive way.

A third impediment is the difficulty of designing and coordinating a policy of restoration that will require so much from government departments and social service agencies when those bodies, and the bureaucratic structures that undergird them, are undergoing dramatic change and are severely under-resourced. Originally, the RRC envisioned itself designing a comprehensive "service approach" to reparations, but when it surveyed the

^{CXX} For a discussion of this dispute, see the subsection of Chapter Seven entitled "The Implementation of Measures to Ensure Accountability."

social health and welfare system upon which this policy would depend, it decided that this approach was untenable.

Closer inspection revealed massive problems with the service approach. Services are not without cost, and we could not expect Government to approve free or low-cost services to victims without an estimate as to what the actual cost would be. Some sort of financial limit would have to be put on the cost of the package per recipient, which would, inevitably, mean that many (if not most) recipients would not receive everything that they felt they needed. There are huge disparities in the provision of services between rural and urban areas and from one province to another. Reparation recipients in poorly resourced areas would thus be prejudiced and would not receive equal reparation to those, for example, in a large urban area. The mere process of needs' assessment costs money. How would the practical process of preparing a suitable 'package' for each and every victim (and his/her dependents) be operationalized? Needs change. A recipient who wants assistance with funding of tertiary education today may receive a bursary from another source tomorrow and may then see counseling as a significant need.²⁵¹

These were the factors that led the committee to make individual cash payments the core of both its interim and final reparations frameworks. However, its recommendations for Final Reparations still include strong measures in the areas of symbolic gestures, legal reform, community rehabilitation, and institutional reform. In other words, the onus is now on the government to come to terms with the systemic difficulties outlined in the above quote.

The final impediment to reparations that I will mention may be avoidable for future reconciliation programs in other countries - and perhaps in South Africa. It appears to have been a mistake to give the TRC the responsibility to design the compensation program without giving it the mandate and resources to implement it. In hindsight, it seems inevitable that the commission's work, which included so many controversial elements, would become politicized to the point that its working relationships with political bodies such as the ANC would deteriorate. Perhaps the commission should have been designed and empowered to follow through on reparations. Perhaps another body, unconnected to the controversial truth-telling and amnesty processes, should have been

formed. There are no easy answers here, not even in hindsight. I will leave the last word to Wendy Orr, a member of the RRC, who here offers her frustrations regarding the committee's role as a "proposer," not an "implementer:"

Our lack of capacity to provide assistance became increasingly difficult to explain. Delays in the process of policy adoption and implementation meant that victims saw no tangible sign of - or even government commitment to - reparation for months or even years after an individual had made a statement or testified at a hearing. The final insult was the fact that perpetrators granted amnesty walked free as soon as the favourable finding was made by the Amnesty Committee This apparent disparity in the treatment afforded perpetrators and victims was extremely damaging and was completely contrary to the stated aim of 'restoring human and civil dignity' of victims. This delay in delivery or reparation, particularly contrasted with the 'immediate delivery' of amnesty, was perhaps the most distressing issue for victims and organizations representing victims. It was as distressing for the RRC and our staff.²⁵²

Chapter Nine

Act Five: Embracing Forgiveness

Wilhelm Verwoerd, a professor of philosophy and ethics at the University of Stellenbosch, appears to be in his mid-forties. His voice is gentle. He carries an air of dignity and humility. A few years ago, he took a break from university life to work as a researcher for the TRC. Before that, he campaigned for the ANC. While these biographical details would be unusual for any Afrikaner, they are especially so for Wilhelm, who is the grandson of one of the most infamous architects of apartheid. As a cabinet minister and Prime Minister, Hendrik Verwoerd implemented some of the National Party's most draconian legislation. His time as Prime Minister was cut short by his assassination.

Wilhelm Verwoerd absorbed National Party politics and Dutch Reform theology in his family, and in his hometown of Stellenbosch, which lay in the heart of Afrikaner wine country and served as an intellectual centre of apartheid. Considering a career as a pastor, he trained in theology, and then went to the Netherlands and Oxford for further study. It was during his period abroad that he began to question the religion and politics of Afrikaner nationalism. He was particularly affected by his meetings with black exiles from his country. Their personal accounts of suffering and humiliation stripped away his layers of denial.

With his future wife, Melanie, also an Afrikaner, Wilhelm embarked on a process of intellectual deconstruction and soul searching. For Melanie, this journey led to election

to parliament. For a time, she was the youngest female deputy and the only Afrikaner in the ANC caucus. Despite strong opposition, and occasional rough treatment from Stellenbosh farmers, who are known to bully their African farm hands into voting for the National Party, she was elected to a second term in 1999. For Wilhelm, the process of soul searching led to the stage at an ANC rally in May, 1993. The posters announcing his joint appearance with (internationally known anti-apartheid leader) Alan Boesak must have given many pedestrians pause. When he stood before the audience, mixed among such calls as, "One President, one Mandela!", and "Viva ANC!", were shouts of "Viva Verwoerd!" - a cry that no one could have envisioned ushering from an ANC rally.

Wilhelm's politics have caused him to be alienated from his father, and other members of his family. This is a painful price, but, unlike so many other white South Africans, he is willing to make difficult sacrifices for the sake of reconciliation. The process of absorbing and then deconstructing a philosophy of domination has made Wilhelm acutely aware of "patriarchy." He continually challenges himself to make "creative choices" in family life and in other spheres. His remarkable story stands as a call to all white South Africans to start doing their own soul work.

We have arrived at the final act in our five-part drama of forgiveness. Earlier, I cautioned that this drama should not be understood as unfolding in a fixed sequence of five acts.^{CXXI} From one perspective, this caution applies least to act five; it is the most tied to its place in the sequence. Comprehensive forgiveness clearly has a more distant temporal

^{CXXI} I used the metaphor of going to a theater with five stages set before the audience. Occasionally, all five acts would be running simultaneously. Characters would move from one stage to another and events would spill over from each act to the others, influencing what happens there. At other times, the curtain would be up on only one or two acts.

horizon than truth-telling, apology, justice building, or even healing. Forgiveness between groups of people entails a level of rapprochement that is not required for any of these other pursuits. It involves empathy for the other party, a reworking of narrative constructions of the other party's identity, and an embracing of the other party that goes deeper than an acceptance of coexistence and co-citizenship.

From another perspective, the above caution applies most to act five; it is the least tied to its place in the sequence. There is an element of grace in forgiveness. It does not belong fully to *khronos*; it has a *kairotic* element. Forgiveness breaks into everyday human relations like something from beyond, defying what Arendt called the irreversibility of human actions. Political forgiveness is often sparked by an actor, such as Desmond Tutu or Nelson Mandela, who displays a rare charisma. It cannot be programmed. It can give other pursuits like justice or healing a great boost, or it can frustrate them. Sociopolitical patterns are broken and assumptions turned on their ear when political forgiveness emerges from the ashes of conflict. While such manifestations are beautiful, and can offer hope in places where there is very little, they can also be dangerous to the extent that they reconfigure relations or undermine carefully laid plans.

The fact that forgiveness can seem cabalistic should not discourage us from trying to explicate it. In the Introduction, I asserted that forgiveness has a core grammar, which is stretched and tested but not broken when we move from the interpersonal to the sociopolitical realm. I employed a model to interpret this grammar, describing a process of forgiveness as a "drama" that moves through a number of "acts." For interpersonal relations, this drama has three acts.

The first act is the naming and articulation of the harm done. Somebody must point out that one party's unjust action has damaged another party. Usually it is the victimized party that makes this claim and begins the narrative that describes the harm done. Sometimes an outside party names the unjust action, perhaps because the victimized party has been so oppressed that it has failed to see the injustice or because it has not been free to name it itself. On rare occasions, the guilty party first names the offense, but its narrative usually begins in step two.

The second act is an apology in which the offending party confesses the wrong done and accepts responsibility. All too often at this stage the guilty party offers excuses or justifications along with or instead of an admission of guilt. In the cleanest and best examples of a drama of forgiveness, however, such qualifiers are abandoned and the party in the wrong asks for forgiveness.

The third act is the offering of forgiveness by the victimized party. Again, this is often qualified by calls for further repentance or some kind of restitution, but in the pure form of the drama forgiveness is offered fully with no strings attached.^{CXXII}

My contention has been that, like interpersonal forgiveness, political forgiveness can be portrayed as a multi-act drama. The original three acts abide as we move to the sphere of

^{CXXII} This characterization of forgiveness as possessing a triadic form is necessarily simplistic. It serves as an ideal in an almost platonic way. Rarely do dramas of forgiveness fully conform, even in interpersonal relations. Sometimes the process begins in step three; it is after a gesture of forgiveness by the wounded party that the offender offers an apology and the harm is named. Other times the apology comes first. The sequence of acts is not the most important factor. What is more important is that all three be present and that their true nature be attended to.

sociopolitical relations, but more need to be scripted as well. Based on my investigations in South Africa, I added an act that was concerned with transitional justice and another concerned with psychological and social healing, leaving us with a drama of political forgiveness in five acts:

- ✓ Act one: truth-telling
- ✓ Act two: apology and the claiming of responsibility
- ✓ Act three: building a transitional justice framework
- ✓ Act four: finding ways to heal
- ✓ Act five: embracing forgiveness

Each of the goals which gave shape to one of the first four acts - truth-telling, the claiming of responsibility, transitional justice, and healing - is a sociopolitical good that can be considered an end in itself, but each can also be considered a leg on the journey to forgiveness. Some commentators reject this latter assertion. They argue that forgiveness, like reconciliation, is too ambitious and too difficult a goal. It is more appropriate, they say, for a successor regime or other intervening body to set its sights on peaceful coexistence and the establishment of a liberal democracy in which disagreements are arbitrated through debate or recourse to legitimate adjudicatory institutions. Their fear is that, if people are pushed toward too intimate a rapprochement while antipathy lingers, they will rebel or resentment will grow even more powerful, undermining whatever progress toward democratic stability has been achieved. These warnings are certainly appropriate.

Rajeev Bhargava makes the point in reference to truth commissions:

... a truth commission must not aim to bring about reconciliation, but try only to create a minimally decent society - no mean feat anyhow. By reconciliation, I mean a cancellation of enmity or estrangement via a morally grounded forgiveness. ...

Is it possible to achieve such a goal within the functional parameters of a truth commission? Truth commissions cannot aim to bring about reconciliation through this process of collective acknowledgment of grave wrongs-cum-forgiveness because reconciliation requires a profound change in the identities of people - a deep, rather long drawn out process. The experiential process of shedding prejudice and owning up to responsibility for wrongs done to others begins with the wrongdoers admitting the absence of a good reason for their acts. This must turn into an acknowledgment that the bad reason for the actions spring from the deepest recesses of their beings. Since a genuine confrontation takes place not just in the mind but at the level of gut and feeling, the acknowledgment that "I have hitherto been the wrong kind of person" is bound to be extremely painful. We might say of such persons that in such moments their souls are punished. This punishment of the soul must necessarily involve a profound change of identity, which must be witnessed by the victims if they are to be convinced that forgiveness is appropriate. Truth commissions that must operate within a compressed time frame, in the immediate aftermath of evil, are simply not equipped to bear the burden of effecting or encompassing this fundamental transformation. Truth commissions can create conditions for reconciliation in the future. But such reconciliation, if and when it comes about, can only be a fortunate by-product of the truth commission.²⁵³

This is a very good description of the deep transformation required before broad political forgiveness can be manifest in a context like post-apartheid South Africa. Bhargava's warning is well taken, and is supported by events in South Africa. The hopes for reconciliation among the designers and leaders of the TRC were too high and too focused on immediate results. After the first heady months of deliberation, commissioners realized that the horizon for comprehensive forgiveness was further off than they had anticipated. A mistake had been made in the original framing of expectations, which, when left unmet, produced a rebound of resentment.

Still, I disagree with Bhargava's assertions that reconciliation can only be a by-product of a truth commission and that such commissions cannot go beyond the creation of

conditions for future reconciliation. The best metaphor for political forgiveness^{CXXIII} is not the building of a structure, where groundwork is laid and then built upon piece by piece, each being added in a foreordained sequence. Rather, it can be better understood as a seed that is planted here and there; in some places it immediately flourishes and flowers, sheds its pollen, and spreads - in other places it withers and dies. As the TRC experience has shown us, a commission cannot seed a whole country with a forgiveness that will be harvested after a short season. Yet, as it brings enemies together in truth-telling exercises or amnesty hearings, it can try to create conditions that will nurture the occasional blossom. The TRC produced a significant number of blossoms, which in turn captured the attention of the nation. It is reasonable to hope that they are being reproduced throughout the country in important, if less publicly visible, forms. It is doubtful that these moments of grace would have occurred, at least in equal number, if Chairman Tutu and other officials had not believed forgiveness could happen and tried to be ready for it.

We have a bit of a paradox. On the one hand the TRC's expectations of forgiveness and reconciliation were overoptimistic and fostered a disappointed or cynical resentment when they were not met. On the other hand, these same expectations probably made possible a number of extraordinary moments of pardon and rapprochement that have entered the country's collective memory. The lesson for future commissions seems to be: "stay open to the possibility of grace, but be careful about promising that it will appear."

^{CXXIII} The reader may notice that I am using the two terms "reconciliation" and "forgiveness" interchangeably here. It is true that the two terms do not have exactly the same meaning, and that reconciliation can be defined in a way that makes it distinct from forgiveness, but here I am referring to reconciliation as defined by Bhargava: as a cancellation of estrangement *via forgiveness*.

By now, it may be becoming clear that I envision political forgiveness in two ways. First, as a social good, akin to justice or healing or the claiming of responsibility, that can be pursued with tangible policies - even if it will take longer to achieve than these other goods. Second, as something more mysterious that materializes in crucibles that mix human pain, need, imagination and good will. The tension between these two characterizations can be frustrating, but it seems unavoidable. Perhaps it is also creative.

It is with this dual characterization in mind that the relationship between act five and the preceding acts in our drama of forgiveness can be clarified. On the one hand, acts one through four can be seen as preparation for act five. While each can stand on its own as a legitimate enterprise, or can be seen as contributing to the more immediate goal of establishing democratic co-existence between old enemies, each can also be seen to be preparing the national soil for the future growth of a broad and deep reconciliation that includes the abandonment of resentment and the generation of fellowship between former enemies - in other words, forgiveness.

On the other hand, forgiveness can be seen a sub-theme in acts one through four, hiding in the background most of the time, but breaking out in special moments to advance the causes of truth-telling, responsibility-claiming, justice, and healing. As an example, we might point to the moments of reconciliation between victims and their former tormentors during the TRC's Human Rights Violations Hearings. The good will generated and antipathy surrendered in these moments liberated perpetrators from stances of psychic self-protection and enabled them to be more truthful about human rights violations they had committed or witnessed. It also freed victims to be more empathetic toward the

people who had harmed them, and enabled them to better understand the motivations that had led to the offenses. Thus, a manifestation of political forgiveness advanced the cause of truth-telling. Put differently, episodes from act five were acted out in the midst of act one, changing its dynamics.

Rajeev Bhargava is correct to assert that political forgiveness involves soul work and fundamental alterations of identity. For forgiveness to be manifest between Africans and Afrikaners, for example, each group will not only have to alter narratives that characterize the other; each will have to alter narratives that define itself. Actually the two kinds of transformation are inseparable. If this is to happen, myth-makers and other cultural engineers will have to reach deep into the symbol systems that give shape to the two cultural/ethnic groups and rework those systems. Forgiveness requires the surrender of resentment and other antipathies; it also involves the embracing of former enemies in a new fellowship. For this to happen, each party has to come to see the other as a *former* enemy. As long as Africans see Afrikaners primarily as oppressors, embrace will be impossible. As long as Afrikaners see Africans primarily as labour, or as a threat, reconciliation is precluded.

As an aside, all be it an extremely important one, I would like to point out that socioeconomic changes are usually necessary before these shifts of constructed identity can take place in a fundamental way. For most of South Africa's majority population today, whites are still their economic oppressors. It does not matter how many seeds of forgiveness are dispersed over South African soil; that soil will be too barren to nourish most of them until blacks receive education comparable to whites, until blacks benefit

from good health care, until there is fundamental land reform, until equality is achieved in the workplace, and until distributive justice is actualized in a host of other ways as well. Forgiveness requires the surrender of resentment. Except for the extraordinary few, this is not possible so long as they must survive on what trickles down from their oppressors, who still revel in the spoils of their pillage.

Our focus in this chapter, however, is on the reworking of culture, not economics. Every country, including those recovering from oppression or extreme conflict, is a unique mix of different cultural traditions. As such, the challenges of narrative renewal and identity reformulation will be unique for each country. Where religion is influential, theological reform will be of great importance. I do not propose to lay out a universal set of guidelines for reform, a task beyond my capabilities, but instead to offer two examples of the kind of cultural creativity that will be required in post-conflict situations. Both are theological. Both have been selected because of their applicability to the South African context. Each will focus on the work of one individual, who is not unique in terms of the ideational task he has set for himself, but who has made exemplary progress with that task.

The first example is the theology of Miroslav Volf, in particular his treatment of conflict and reconciliation in his book *Exclusion and Embrace*. Volf is a Christian theologian who works within the parameters of traditional European Protestant theology, and who has been influenced by contemporary evangelicals. He is deeply concerned with nationalism and ethnic conflict. Having grown up in Yugoslavia, he has very personal attachments to the conflicts in the Balkans. All of these characteristics make him a writer of particular

relevance to South African Christians. European Protestantism has been extremely influential in South Africa. Its theology has been reworked to provide an ideational basis for apartheid and to articulate anti-apartheid theologies of liberation. Volf understands the ways Protestant theology has been molded into ideologies of exclusion, but he also sees within it powerful resources for a theology of inclusion. Given the number of South Africans - of all colours - who actively participate in Protestant Churches, Volf's theology of inclusion holds potential as a resource for reconciliation. South African blacks and whites appear to be gathering together in increasing numbers in evangelical Protestant churches, especially those with a charismatic worship style. Exposure to the ideas and themes of Christian thinkers like Volf could help them extend their interracial fellowship beyond the sanctuary and the Bible study room, and could nudge theologically conservative churches - so often places of resistance to change - towards becoming loci of rapprochement.

My second example will be the "*ubuntu*" theology of Desmond Tutu. Like Volf's, Tutu's theology is Christian, but it is also very much influenced by the worldview and wisdom of traditional African cultures. For the Xhosa people, of whom Tutu is one, the concept of *ubuntu* is central to their understanding of humanity, community, and spirituality. In a fresh and powerful way, Tutu has combined his understanding of *ubuntu* with his understanding of the Christian gospel to produce a living theology. This theology first served him as a leader of the anti-apartheid movement. Now it serves him as a prophet of forgiveness and reconciliation. Unlike many theologies of liberation, Tutu's *ubuntu* theology did not require massive revision when the imperatives of social justice changed from overthrowing an unjust regime to reconstruction and reconciliation. The growth of

African Independent Churches is transforming the religious landscape in South Africa.^{CXXIV} Tutu's combining of traditional African and western Christian theologies may be appealing to members of those churches, and may aid them in developing their own contextual theologies.

My purpose in examining the theologies of Volf and Tutu is to portray some cultural resources for South African Christians who are willing to do the "soul work" that may advance political forgiveness in their nation. One of the reasons for choosing two resources that are theological is the fact that a clear majority of South Africans adhere to a religion. Religion is partly responsible for getting them into the mess of apartheid. Perhaps religion can help clean it up. While the country is very religious, it is far from exclusively Christian. It would have been equally valid to offer an example from Muslim theology. I am less qualified to do this. Neither am I qualified to offer examples from African Traditional Religion - although the discussion of ubuntu theology will have a certain relevance.

Before moving on to examine the theologies of Volf and Tutu, let us briefly respond to the increasingly common question: "why be concerned with political forgiveness?" If the establishment of peaceful coexistence between enemies is so urgent and difficult a task, would it not be better to avoid distraction by an even more difficult task with a longer timeline? Is not the struggle to construct democracy and fair and effective institutional

^{CXXIV} African Independent Churches combine elements of Christian belief and worship with elements of traditional African belief and practice. See Hennie Pretorius and Lizo Jafta, "'A Branch Springs Out': African Initiated Churches" in Richard Elphick and Rodney Davenport eds. *Christianity in South Africa: A Political, Social, and Cultural History* (Berkeley: University of California Press, 1997). See also Jim Kiernan, "The African Independent Churches" in Martin Prozesky and John de Gruchy eds. *Living Faiths in South Africa* (Cape Town and Johannesburg: David Philip, 1995).

systems enough to worry about? The answer to these questions would be "yes" if human beings were not so communally passionate and so predisposed to myth-making. When there are two communities of people who have warred with each other, and who continue to live in proximity to each other, they will expend a lot of energy watching, portraying, and testing each other. All too often this give and take leads to reified and mutually derogatory characterizations, which in turn ensure the perpetuation of antipathies. Such antipathies not only threaten peace and democracy; they lower the quality of life. Life is not as good when it is filled with fear and hatred. Life is not as good when neighbours are foes. Life of that character is not good enough, even in a society that is relatively peaceful and democratic. We pursue political forgiveness because we want something better.

The house I lived in during my stay in Cape Town was located in a comfortable suburb, populated mostly by whites. To visit the African townships, I would get into my car, drive through other pleasant boroughs and cross a major highway that split the city. When I reached the two huge cooling towers of the power plant, I knew that I was entering the townships where Africans were forced to live under apartheid and where most are forced to continue living because of economic apartheid. This swift passage across symbolic barriers ushered me into a remarkably different world. The first thing that would impress upon me was the poverty. In minutes I had move from the first to the third world. But quickly other impressions would push to the fore: the interaction between people on the streets, the friendliness toward strangers like myself, the groups of children playing in open spaces - all things I had missed in suburbia. Unlike their countrymen living on the other side of the highway, the township residents were not dominated by fear.

On two of my trips, I visited congregations of the Order of Ethiopia, a denomination of African Independent Churches. The people I met in these churches struggled with poverty, poor health care, poor education systems, very high crime rates, and a host of other social ills on a daily basis. They were very proud. They were astute commentators on political conditions and developments in their country. Men and women of strong faith, they were willing, some were even eager, to forgive their oppressors, but almost all offered the same message: the whites are not doing what they must to bring about forgiveness. These are the things they require of South African whites before they will be ready to forgive: a profound sharing of economic resources; acknowledgment of what happened in the past; confession and repentance regarding their support of and their benefiting from apartheid; truth-telling on the part of those who committed atrocities; and a surrender of the fear that causes them to hoard their wealth and that keeps them from visiting townships or befriending Africans.

Memories of the many young people who died in or disappeared from their communities prevent the members of the Ethiopian Order Churches from settling for cheap forgiveness. Mr. Sipoyo, whose brother spent twenty years on Robbin Island,^{CXXV} expressed his frustration at the refusal of whites to "bow down and apologize." Except for those applying for amnesty, he did not see whites acting penitent.

Melo Mbilini, a young man, said today's youth become filled with anger as they learn of the humiliation of their people. "The people who did these things must be given a serious task to make up for what they did."

Nomfundo, a woman who was detained more than five times and tortured, still suffers from nightmares and other symptoms of traumatic stress disorder. When the ANC was unbanned and political prisoners released, she became ready to forgive, but those who mistreated her have never asked for it. "My soul is not contented with the TRC. We are missing eighty percent of the perpetrators who should come forward and apologize."

Bishop Dwane began to take the issue of national forgiveness seriously in the early nineties, and has worked hard at it. "Personally, yes I think the anger in me has gone and I have now forgiven." But national forgiveness requires work on both sides. "Whites are not prepared to make gestures of reconciliation. They want us to let bygones be bygones. They are not prepared to acknowledge the hurt or their responsibility."

Having heard the complaints of these people, I became especially attuned to the discourse among whites regarding the reconciliation process. I observed two things. Most of the whites who agreed to an interview with me did speak from a place of repentance, at least some of the time. But, while engaging in or overhearing less formal conversations, I was repeatedly struck by the refusal of whites to soul search.^{CXXVI} Denial was alive and well.

^{CXXV} Robbin Island holds the prison complex where Nelson Mandela and other political prisoners were kept.

^{CXXVI} There are some powerful counterexamples to this refusal. I met a number of whites who were involved in deep soul searching and were calling on their fellows to do so collectively. Antie Krog's *Country of My Skull* and Rian Malan's *My Traitor's Heart: A South African Exile Returns to Face His Country, His Tribe, and His Conscience* (New York: Vintage International, 1990) are prominent literary examples of such soul searching, both by Afrikaners. Wilhelm Verwoerd's journey, which I portray at the beginning of this chapter, is another prominent example.

Exclusion and Embrace

In *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation*, systematic theologian Miroslav Volf examines the dynamics of rending and rapprochement in contexts of ethnic and cultural conflict. In his thinking, conflict between cultures is best understood as a part of the larger question of identity and “otherness.” As a Croatian living in the United States, his perspective on this question is largely shaped by developments in the West, and he uses the history of European contact with the cultures and peoples of other continents as his entree into the topic of identity construction.

Europe’s past is full of the worst of violence committed in the name of European identity (and with the goal of European prosperity!). Europe colonized and oppressed, destroyed cultures and imposed its religion, all in the name of its identity with itself – in the name of its absolute religion and superior civilization. Think only of the discovery of America and its genocidal aftermath... - a sad story of dehumanization, depredation, and destruction of millions. And it was not too long ago that Germany sought to conquer and exterminate in the name of its purity, its identity with itself.... Might not the will for identity be fueling a good deal of those 50 or so conflicts around the globe?²⁵⁴

One of history’s tragic ironies is that modernity, with its ideal of inclusion, was born in Europe during the era of colonization. The story we tell ourselves in the “modern, democratic west” is one of progressive inclusion. That is why we are shocked when we see ethnic cleansing in Europe. We try to re-characterize the cleansers as non-European and savage. Volf challenges this smug attitude and argues that there has always been “a momentous inner tension in the typically modern narrative of inclusion.” Following postmodern critics like Dussel, Nietzsche, Derrida, and Foucault, he describes the birth of modernity as entailing exclusion of colossal proportions. Indeed, this is Europe’s history of interaction with non-Europe, whether non-Europe be that which existed on other continents or that which existed on the European Continent but was excluded from

Europe's formulation of its own identity. Whatever came to be characterized as "not us," was labeled as uncivilized, even barbaric. The modern self is constructed through the exclusion of the other.

When it comes to deciding how to overcome exclusion, however, Volf disagrees with the postmoderns. He rejects what he sees as their push for inclusion to the point that all boundaries are suspect. His quarrel with modernity arises from his theology of creation. God created and continues to create the world through work that involves differentiation and judgment, each of which can be contrasted with exclusion. Creation involves binding *and* separation. Exclusion is the sin of reconfiguring creation by separating what God has bound or binding what God has separated.²⁵⁵

In a penetrating section of his book, Volf explains that exclusion often arises from an unhealthy desire for purity. He believes that human beings have a legitimate will to purity, but the proper focus of this will is a person's own spiritual life.^{CXXVII} Problems arise when we engage in a kind of projection: we shift our aspiration for purity from our inner selves onto others and become concerned with their "cleanliness." There emerges a politics of purity with various kinds of exclusion to exercise against its targets:

- ✓ Exclusion by *assimilation* says 'you can survive, even flourish, in this society if you abandon your identity and become like us.'
- ✓ Exclusion by *domination* subjugates the other to a lesser place and makes it the victim of exploitation.

^{CXXVII} Or a community's own spiritual life. I suppose.

- ✓ Exclusion by *abandonment* is common today in the stance of wealthy classes toward the poor and the developed world toward the developing world. The underprivileged are left to their fate.

At the level of the self, what is at the bottom of this? Why do we exclude? Volf gives several reasons: we exclude because we project hatred of ourselves onto others; we exclude because we resist that which disturbs our identities, boundaries, and cultural maps by mirroring something we do not want to see in ourselves or by challenging our assumptions; we exclude because we want what others have; we exclude because we want to be at the centre and there alone.²⁵⁶

Volf's treatment of identity and otherness certainly rings true to race relations in South Africa. South Africans of European descent have consistently constructed their identities by contrasting their own "superiority" against the "backwardness," "helplessness," and "irrationality" of the Africans. Two of the three forms of exclusion he mentions - domination and abandonment - have been extensively employed. Actually, identity construction was so restrictive and reified, that the third kind of exclusion mentioned by Volf - assimilation - was rarely employable.

For those of us who recognize that we have been guilty of exclusion and who want to reverse this, Volf describes the essential "moments" in the movement from exclusion to embrace. These are (1) repentance, (2) forgiveness, (3) making space in oneself for the other, and (4) the healing of memory. By passing through these, humans can emulate the self-giving love modeled by Jesus the Christ.

Volf's description of the first "moment," repentance, closely resembles the work of act two in my drama of forgiveness - apology and the claiming of responsibility. Predictably, he calls for aggressors and agents of oppression to repent by taking themselves out of the mesh of large and small evil deeds that characterize so much of social intercourse, to refuse to justify their behavior or accuse others, and to take their wrongdoing upon themselves. What is surprising, is that he calls for victims to do the same things. He argues that victims are rarely blameless themselves. Oppression is soul destroying. Very often victims become filled with resentment and a lust for power that makes them want to take the place of their oppressors. Repentance for victims means resisting the seduction of the values and practices of the oppressor. He claims that the revolutionary character of Jesus' message lies in the connection between the hope he offered to victims and the change he required of them. To the extent that oppression has filled them with hatred, they need to repent of what has happened to their souls.²⁵⁷

Moment two, forgiveness, does not come easily. Volf empathizes with victims' frequent reluctance to forgive. He says our "cool sense of justice" tells us that perpetrators do not deserve to be forgiven, that forgiveness would be unjust. We instinctively seek not to forgive, but to gain revenge. This is not just pathos, but a desire to restore an integrity that has been shattered by violence. But balance cannot really be restored through vengeance. Volf agrees with Arendt's assertions that revenge enslaves us and that forgiveness is the only way out of the "predicament of irreversibility." "The injustice of oppression must be fought with the creative 'injustice' of forgiveness."²⁵⁸ CXXVIII

^{CXXVIII} Actually, Volf's portrayal of forgiveness is somewhat different than my own. For him, forgiveness heals the wounds that acts of exclusion have inflicted, but it leaves a space of neutrality between people. It leaves the choice of going separate ways or falling into embrace. In my treatment, forgiveness goes further, it includes the level of reconciliation that Volf describes as "embrace."

Volf's third "moment" in the progression from exclusion to embrace is making space in oneself for the other. This involves emulation of two of the characteristics displayed by Jesus the Christ in his ministry, his teachings, and especially his passion. These are (1) self-giving love that overcomes enmity and (2) the creation of space in oneself for estranged humanity. This relates closely to Jesus' teaching to love our enemies. It can be uncomfortable, painful, even risky to make space in oneself for people who are radically different from ourselves, who offend our sensibilities, or with whom we have been in conflict, but this is what the gospel bids of us. For Christians, the celebration of the Eucharist is the ritual time in which Christians honour God's making space for humanity. By receiving Christ's body and blood, Christians make space for all those whom Christ embraced through his suffering.²⁵⁹

Volf's last "moment" in the movement from exclusion to embrace is the healing of memory. He acknowledges the important role remembering plays in reconciliation, but says there must eventually be forgetting. Remembrance on the part of the victims will protect against future oppression of the same kind. Remembrance on the part of the guilty will change the soil of the past into the more hopeful soil for building a future. But only those who are willing ultimately to forget can remember correctly. This willingness is really eschatological. Forgetting will happen in the "arms of God."²⁶⁰

In a "drama of embrace" Volf offers the four structural elements of embrace: opening the arms, waiting, closing the arms, and opening them again. All four must be there in an unbroken timeline. Opening the arms is a sign of discontent with one's own self-enclosed

identity, and of desire for the other. It is also a sign that one has made space in oneself for the other to come in and has initiated a movement out of oneself so as to enter the space created in the other. As well, it suggests a fissure in oneself through which the other may enter. Finally it serves as an invitation and a soft knock on the other's door. After opening the arms, the self rests at the boundary of the other, waiting for desire to arise in the other, and for the other's arms to open. The other cannot be coerced or manipulated into embrace. Closing the arms is the goal of the embrace. It must be reciprocal, each party being active and passive. It must be a soft touch, and boundaries must remain in place. Neither oneself nor the other is denied; the identity of both is preserved and transformed. Preservation of the alterity of the other requires the skill of "not understanding" the other, which opens the possibility of new and better understanding. Finally the other must be let go of so that the "negotiation of difference, which can never produce a final settlement," can continue.²⁶¹

Three aspects of Volf's work can be highlighted as particularly relevant to the dynamics of apartheid and reconciliation in South Africa. The first is his identification of a twisted will to purity as a source of exclusion. The myth of apartheid and the political program that it produced were driven by a vision of the Afrikaner people as a special race, divinely selected, and set apart. The Dutch Reform churches can benefit much from Volf's insight as they face the task of theological deconstruction and reconstruction in a new South Africa. Its theologians, and other Afrikaner cultural artisans, will be of great service to their people if they can unmask the Afrikaner will to purity and direct it toward more appropriate goals.

The second aspect of Volf's work to be highlighted here is more relevant to English-speaking South Africans and other whites who were more open to liberal or "modern" values than were most Afrikaners. Many English-speaking South Africans took pride in having attitudes toward race that were much more progressive than those of Afrikaners, but the English-speaking communities, their political parties, and the business community that they dominated almost never tackled apartheid head on.^{CXXIX} Instead they were marked by a complicity from which great material benefits were gained. Current attitudes have not changed that much. There is a general willingness to condemn apartheid, but few whites are voicing a willingness to accept a substantial redistribution of wealth, for example. Volf's depiction of the "momentous inner tension in the typically modern narrative of inclusion" speaks to these people and can serve as reminder that the adoption of "progressive" values does not guarantee that one is more a part of the solution than the problem of racial inequality.

The third aspect of Volf's work that I would highlight is his call for victims to repent. First a note of caution. It is important to remember that throughout the apartheid era there was no shortage of white clergy preaching to black South Africans that they had much for which they needed to repent. There is danger in adding another white theologian to the list, even if his writing amounts to a refutation of the theology of apartheid.^{CXXX} Despite

^{CXXIX} There were some prominent counterexamples, the writing and political activity of Alan Paton being one.

^{CXXX} My dissonance grows even stronger when I consider Volf's prescription for placing a theology of the cross at the heart of the self. Something in me balks at the thought of holding up the model of God's self-donation on the cross to apartheid's victims and saying, "here, this is your way to reconciliation and salvation." On the other hand, Christians of every colour who hold to traditional theologies already believe that the cross is the way to reconciliation and salvation. Volf can do them the service of contextualizing their theology such that they can see their individual paths to salvation and their nation's collective path to political forgiveness as intertwined - an insight that escapes many. Volf's theology will not be for all South Africans, not even all Christians, but for the millions who are informed by traditional Protestant beliefs, his work could be a source of clarity and fresh air.

this danger, Volf's point regarding the tendency of victims to be overcome by resentment and the will to power bears recitation. He does not fall into the trap of blaming the victims and arguing that their misfortune is a punishment for earlier sins. In his eyes they are the sinned-against, not the sinners. Perhaps because of his own history in the former Yugoslavia, he understands that oppression very often erodes the inner life of the oppressed, leaving them vulnerable to hatred and malevolent desires.

The history of South Africa is rife with examples of this. It was after having suffered great abuse at the hands of the British that Afrikaner religious politics turned most purposefully toward apartheid. The ANC committed its worst violations during the eighties and early nineties when South African security forces had reached their apotheosis of repression and Inkatha was hunting down ANC-UDF members. The PAC split from the ANC and developed an anti-white ideology response to the radical legislation implemented by the National Party during its first mandates.^{CXXXI}

Given the number of political and economic victims in South Africa today, not to mention the growing number of people who have been hurt by criminal violence, Volf's warning is grave. Most of the measures taken or called for by the TRC can be seen as attempts to curb the danger of victims becoming agents of further rending, but other measures will be needed. The churches and other communities of faith seem particularly well placed to call victims to the soul work of examining and transforming their antipathies, and to support them in that work. The Trauma Centre in Cape Town and a number of other agencies around the country have been helping torture survivors and

others with this kind of work, but relatively few South Africans have access to this kind of psychotherapy.

Stan Abrahams is a tall, dignified man of mixed race. Now in his early seventies, he has retired from a career as an engineer, and works as a lay minister in at Central Methodist Mission in Cape Town. Even though District Six no longer exists - except in a very vibrant mythology - Stan continues his love affair with that community.^{CXXXVII} Growing up in District Six, Stan reveled in its street festivals, in the seemingly endless string of colourful personalities one would encounter in a day, and in the rich and supportive relationships his family shared with its neighbours - who came from a wide variety of religious, cultural, and ethnic backgrounds. He also gained a deep sense of peace and spirituality from Table Mountain, which towered over the city.

Although Stan was embittered by the destruction of his community, and by prejudice in the workplace, which caused less skilled white colleagues to be paid much better than him and promoted above him, he emotionally survived these and other humiliations doled out by apartheid. Many of his friends fared worse. The residents of District Six were shipped off to townships that lacked its physical beauty and cultural vitality. Some of his friends turned to alcohol. Some were ground down by poverty. Some succumbed to bitterness. Stan's sadness was palpable as he talked about "the inner light going out" of some of his boyhood friends.

^{CXXXI} For the story of one anti-apartheid activist who turned to violence which he now regrets, see the vignette about "Oliver" in Chapter Four.

^{CXXXII} District Six was a mixed race borough in Cape Town. It was razed to the ground by the government in the late Sixties. See the chapter on "Revenge and Restoration" for more about District Six and Central Methodist Mission.

Stan keeps his light alive by visiting the national gardens at the foot of Table Mountain, by serving an interracial congregation in the heart of Cape Town - surely there is no better death knell for apartheid - and helping to run the District Six Museum, of which he is a founder. All of these activities can be seen as expressions of a vision for the country. Mixing with members of all races in a natural retreat that is now truly a national garden. Worshipping and working with people of all colours in a church building that was formerly reserved for whites in the heart of a city reserved for whites. Keeping alive the culture of a community that proved during the dark days of apartheid that integration was not only possible, it was magnificent.

Why is it that Stan's "inner light" was not extinguished? What compels him to let go of resentment and to root out sources of joy? Why does he dream of a future of brotherhood with whites rather than victory over them? Perhaps we can find partial answers to these questions in two facts. One, Stan was not one of the many thousands of South Africans that apartheid crushed beyond repair. Two, he chooses hope.

Delicate Networks of Interdependence

Just as South Africa's transition to democracy would have been radically different without the wisdom and charisma of Nelson Mandela, the TRC would have been a very different enterprise without the faith and folly of Desmond Tutu. By his faith. I mean of course his faith in God, but even more so. his faith in the South African people, in their ability to find courage and mercy in their hearts.^{CXXXIII} By his "folly," I mean the kind of

^{CXXXIII} For Tutu these two kinds of faith are probably inseparable.

foolishness that Paul writes of in chapter one of his First Letter to the Corinthians.^{CXXXIV} According to "the wisdom of the world," especially the skeptical wisdom of the political world, it is folly to risk time, energy, money, and hope on forgiveness in a place like South Africa - where such bitter enmity has developed, and where there are so many other pressing concerns. Tutu rejected this wisdom for another kind.

Holding to his belief that "we all have the capacity to become saints,"²⁶² he wore his clerical robes to commission hearings and became the confessor of the nation. In doing so, he flouted many of the tenets of political "common sense." By wearing vestments, praying, and singing hymns, he rejected the stipulation that religion and politics must be kept separate.^{CXXXV} By openly weeping on many occasions, he embodied the opposite of the coolheaded public figure. By accepting the risk of a momentous flop in order to pursue public goals that could only be articulated in spiritual language, he redefined the parameters of success and failure.^{CXXXVI}

To understand Tutu's goals and motivations with regard to the reconciliation process, it is essential to grasp that his leadership was not guided by a political philosophy; it was driven by a theology. To understand his theology, it must be appreciated that it is deeply

^{CXXXIV} "Where is the wise man? Where is the scholar? Where is the philosopher of his age? Has not God made foolish the wisdom of the world? For since in the wisdom of God the world did not know him, God was pleased through the foolishness of what was preached to save those who believe.... For the foolishness of God is wiser than man's wisdom, and the weakness of God is stronger than man's strength." 1 Cor. 1: 20-21, 25. NIV.

^{CXXXV} Religion and politics have long been mixed in South Africa, but in the new dispensation there appears to be growing acceptance of the need to keep church and state separate.

^{CXXXVI} In his "Chairman's Forward" to the TRC *Final Report*, Tutu writes: "A Dutch visitor to the Commission observed that the Truth and Reconciliation Commission must fail. Its task is simply too demanding. Yet, she argued, 'even as it fails, it has already succeeded beyond any rational expectations'. She quoted Emily Dickinson: 'the truth must dazzle gradually ... or all the world would be blind'."

influenced by both western and African ideas. At its center, there is a convergence of the Christian motif of the *imago Dei* with the African concept of *ubuntu*.

To gain some notion of the meaning of *ubuntu*, it is important to understand how the traditional *weltanschauung* of the Bantu-speaking peoples of Southern Africa differs from that of the modern west.^{CXXXVII} In the west we tend to see persons as independent, solitary entities. We also tend to reject the existence of spirits and the continued existence of dead people - or we at least conceptualize firm boundaries between our realm and theirs. Not so for Africans who hold to their traditional worldview; the boundaries are much more porous. Individuals gain their humanity through their deep rootedness in community, and community gains its vitality through its immersion in *umuntu* - "the category of intelligent human force that includes spirits, the human dead, and the living."²⁶³ Tutu uses the phrase "delicate networks of interdependence" to characterize traditional African anthropology-cosmology.

Ubuntu means "humanity" and is related to *umuntu*. The Xhosa people, to whom Tutu belongs, have a proverb: "*ubuntu ungamnutu ngabanye abantu*." Roughly translated it means "each individual's humanity is ideally expressed in relationship to others' or 'a person depends on other people to be a person.'"²⁶⁴ Tutu offers this explication of *ubuntu*:

Ubuntu is very difficult to render into a Western language. It speaks of the very essence of being human. When we want to give high praise to someone we say, 'Yu, u nobuntu': 'Hey, he or she has *ubuntu*.' This means they are generous, hospitable, friendly, caring, and compassionate. They share what they have. It also means my humanity is caught up, is inextricably bound up, in theirs. We belong to a bundle of life. We say, 'a person is a person through other people'. It is not 'I think therefore I am'. It says rather: 'I am human because I belong.' I participate, I share. A person with *ubuntu* is open and available to others, affirming of others, does not feel threatened that others are able and good; for he

^{CXXXVII} Included within this group are the Zulu-Xhosa-Swazi, the Sotho-Tswana, the Venda, the Shona, and others. Jim Kiernan, "African Traditional Religions in South Africa" in Martin Prozesky and John de Gruchy eds., *Living Faiths in South Africa* (Cape Town and Johannesburg: David Philip, 1995), p. 19.

or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are.²⁶⁵

It is possible, I presume, to believe in *ubuntu* but to conceptually restrict its parameters to be coextensive with one's own community and ancestry. Indeed, it must be tempting for South African Africans to envision whites as excluded from the web of relationships that constitutes humanity. Tutu's Christian anthropology prevents him from falling into this trap. For him, all human beings are created in the image of God, the *imago Dei*. This conviction, combined with a belief in *ubuntu*, leads him to see all people as included in the same "delicate networks of interdependence" - a philosophy that could not be more directly opposed to the logic of apartheid. Michael Battle, a former assistant to Archbishop Tutu who is now a professor of religion in the United States, puts it this way:

From this African worldview, *ubuntu* shaped Tutu's subsequent work as the center from which to make racial reconciliation comprehensible in the African culture. Tutu needed to communicate at this level because interdependence is necessary for persons to exercise, develop, and fulfill their potential to be both individuals and a community. Only by means of absolute dependence on God and neighbor - including both blacks and whites - can true human identity be discovered. Indeed, such human interdependence is built into our very creation by our being created in God's image, our common *imago Dei*.²⁶⁶

Unlike so many other liberation philosophies, the theology that informed Tutu's resistance to Apartheid was also perfectly suited to the pursuit of reconciliation. Again, *umuntu* - the intelligence and vitality that encompasses the living, the dead, and spirits - is relevant. When any part of the network of interdependence is wounded, the life force that sustains all communities and individuals is weakened. When any suffer from degradation, the humanity of all is tainted. From this point of view, apartheid was bad for everybody, even those who gained some material advantage, and so is non-reconciliation in its wake. It is this perspective that enabled Tutu to empathize with perpetrators. In his view, nobody was as diminished by human rights violations more than the violators

themselves. Tutu holds a special compassion for the agents of apartheid, the men and women who had their humanity worked out of them by their indoctrination and training. He delights when one repents, knowing that the restoration of that person's decency augments the integrity of the whole nation.

Battle identifies four "vectors" in Tutu's *ubuntu* theology: " *ubuntu* theology builds interdependent community;" " *ubuntu* theology recognizes persons as distinctive;" " *ubuntu* theology integrates cultures;" " *ubuntu* theology can overthrow apartheid." Together, these thrusts point to a future characterized by reconciliation, justice, and vital community at all levels.

The first vector is driven by Tutu's belief that God created humans in a state of interdependence. Human attitudes or systems that encourage selfishness and a high degree of competitiveness defy the divine intention. It is better to accept the fundamental human "vulnerability that builds true community."²⁶⁷ It is in vulnerable relationships that we recognize how our humanity is bound up in the humanity of others. Given that this is his perspective, it is not surprising to discover that Tutu is critical of the individualism, consumerism, and competitiveness that characterize both western society and the global economy. True to his African roots, he cherishes community and celebrates the freedom from the difficulties of life that arises in communal cooperation - a different kind of liberty than that which is usually revered in the west.

Tutu can also be critical of African communalism, however. He recognizes that there is a danger in *ubuntu*: the tendency to sacrifice the needs and rights of individuals and small

minorities in favour of the needs and rights of the many. His corrective comes from his employment of a Christian interpretation of relationship, instead of other forms of communalism, to define *ubuntu*.²⁶⁸

Battle's second vector - "*ubuntu* theology recognizes persons as distinctive" - explicates Tutu's take on Christian relationship. The following allegory, offered by Tutu during his address when receiving an honorary doctorate from Columbia University, illustrates his perspective:

There was once a light bulb which shone and shone like no other light bulb had shone before. It captured all the limelight and began to strut about arrogantly quite unmindful of how it was that it could shine so brilliantly, thinking that it was all due to its own merit and skill. Then one day someone disconnected the famous light bulb from the light socket and placed it on a table and try as hard as it could, the light bulb could bring forth no light and brilliance. It lay there looking so disconsolate and dark and cold - and useless. Yes, it had never know that this light came from the power station and that it had been connected to the dynamo by little wires and flexes that lay hidden and unseen and totally unsung.²⁶⁹

Tutu's *ubuntu* theology recognizes that persons are distinctive and are ends in themselves, but only through the discovery of their relationship to others in the web of community, and ultimately to the divine "power source." There is a balance here. As a reflection of the *imago Dei*, every person has value in and of herself. On the other hand, the divinity itself lives in a trinitarian relationship web; all are constituted in relationship. It is this balance that makes the seeking of superiority unnecessary. If I am distinct, and can be celebrated as such, then I do not have to be better than anyone else to feel special or important. If the "specialness" of another arises from a grid of relationships of which I am a cherished part, then that "specialness" shouldn't threaten me. Indeed, I should be pleased by the way it makes my life richer.²⁷⁰

The third vector in Tutu's *ubuntu* theology - "*ubuntu* theology integrates cultures" - amounts to an extension of the second vector to relations between communities and between nations. Just as each person is unique, so is each nation and each culture. Like persons, they are vulnerable, and are enmeshed in networks of interdependence. This vulnerability needs to be embraced by a community of nations, each of which celebrates and benefits from the uniqueness of every other one.²⁷¹

The implicit power analysis of *ubuntu* became explicit when Tutu confronted apartheid. He did not adopt an "ends justify the means" approach to liberation. Rather, believing that "*ubuntu* theology can overthrow apartheid" (vector four), Tutu acted as though his oppressors were his fellows - not by excusing them, but by calling out the essential humanity that was hidden beneath their ideology and their actions. This was his attitude:

We will grow in the knowledge that they [white people] too are God's children, even though they may be our oppressors, they may be our enemies. Paradoxically, and more truly, they are our sisters and our brothers, because we have dared, and have the privilege to call God "Abba," Our Father. Therefore, they belong together with us in the family of God, and their humanity is caught up in our humanity, as ours is caught up in theirs.²⁷²

Given this theology, we can see why Tutu is compelled to seek political forgiveness. As long as "apartness" reigns, God's intentions for humanity and the world are thwarted, the vital force that nourishes all people is weakened, and the delicate networks that sustain all communities are fractured. A stable democracy that adjudicates lingering conflicts, even one that does so justly, is not good enough.

Earlier in this chapter I explained that I see political forgiveness in two ways. First, as a social good, akin to justice or healing, that can be pursued with tangible policies. Second, as something more mysterious that materializes in crucibles that mix human pain, need,

imagination and good will. Tutu is politically astute, and sometimes has a lot to say about "tangible policies," but his vision of forgiveness is more about the mysterious, even the mystical. He likes to leave the programming and policy making to others, preferring to seek God's "foolishness" and to try to live out this folly in the world. To return to a pair of metaphors employed earlier, he is more of a planter than a builder. He scatters seeds of forgiveness with faith that God will provide at least some of them with the nourishment they need to grow. Tutu is not a systematic theologian. He is widely published, but his most powerful theology is that lived in his actions. It comes alive in his confidence that forgiveness is not only essential, it is ultimately unstoppable.

Believers say that we might describe most of human history as a quest for that harmony, friendship and peace for which we appear to have been created. The Bible depicts it all as a God-directed campaign to recover that primordial harmony when the lion will again lie with the lamb and they will learn war no more because swords will have been beaten into plowshares and spears into pruning hooks. Somewhere deep inside us we seem to know that we are destined for something better. Now and again we catch a glimpse of the better thing for which we are meant - for example when we work together to counter the effects of natural disasters and the world is galvanized by a spirit of compassion and an amazing outpouring of generosity; when for a little while we are bound together by our caring humanity, a universal sense of *ubuntu*....

There is a movement, not easily discernible, at the heart of things to reverse the awful centrifugal force of alienation, brokenness, division, hostility and disharmony. God has set in motion a centripetal process, a moving towards the Centre, towards unity, harmony, goodness, peace and justice: one that removes barriers.²⁷³

Like Volfs, Tutu's theology will not be for all South African Christians. Some, even some Africans, are too disturbed by any theology that incorporates themes from the pre-Christian beliefs of the Bantu-speaking peoples. Others will see it as too political. But Tutu's collation of Christian and traditional African beliefs such that exclusivism is worked out of each is a gift to the nation and the world. The spirit of his reform can be emulated by people who ascribe to neither of its sources. Thus, by learning from Tutu's adroit technique, and his unshakable compassion, Muslims can challenge exclusivism

within their own tradition, as can Hindus, Jews, and perhaps even champions of humanist philosophies.

It is confounding to consider the variety of symbol systems that influence South Africans as they construct identity and spin narratives of inclusion and exclusion. They come from a dramatic plurality of Christian sources, from Islam, from Hinduism, from African wisdom traditions, from Marxist philosophies, from liberal philosophies, and, unfortunately, even from fascist philosophies. Given this pluralism, no one source of cultural reform can pull everyone toward political forgiveness and away from hate and exclusion. The "better angels" of a variety of belief systems will have to come to the fore. If they do, and if they can cooperate to generate "movement at the heart of things to reverse the awful centrifugal force of alienation," then the vicious circles of South Africa's past may slowly be reversed. Volf and Tutu call forth the better angels of their traditions. We can only hope that they are heard, and joined by their counterparts in other traditions.

To close this chapter, I would like to return to a debate examined earlier. Some observers of post-rending contexts like South Africa would undoubtedly respond to my model of a Drama of Political Forgiveness by arguing that it should have ended with act four. What we would have, then, would not be a drama of forgiveness but rather a drama of justice and healing, a drama of national restoration, or perhaps a drama of creating a "minimally decent society," to borrow Bhargava's phrase. This would be more to their liking. Among those who hold this perspective, many feel that the imperatives of justice are just too strong to fetter their pursuit by mixing it with a quest for forgiveness or deep

reconciliation. They have a point; the imperatives of justice are of utmost importance - in the long term as well as the short. But who among us wants to live in a "minimally decent society?"

Societies that are more than minimally decent are marked by charity as well as justice; forgiveness can be understood as a form of charity - i.e. something that is not owed but is given because of altruistic impulses, or, more importantly for our discussion, out of a sense of civic concern. The major institutions of civic charity are established to sustain bonds of community by helping the powerless and marginalized and by maintaining social, cultural, and religious institutions. Forgiveness is also an act that restores or builds community by repairing its fissures. Justice without charity leads to obsession with rules and a wearing down of the fabric of society. A society marked by justice but not by charity would be minimally decent perhaps, but it would suffer from a dearth of community. Community requires fellowship and bonds of affection. Charitable acts that involve the giving of material goods, time, energy, or empathy build such bonds. So do acts that involve the surrender of well-founded resentment or legitimate claims to retribution. They can be equally charitable.²⁷⁴ CXXXVIII

^{CXXXVIII} This discussion is related to the issue of identity construction, which is also intimately connected to the bonds of community. Human beings are more charitable toward those with whom they share membership in a community, whether it is religious, moral, cultural, geographical, national, or (increasingly) international. We tend to be less charitable toward those whom we perceive as sharing no kind of community with us. Who are these people who share no level of community with us? Those whom we identify as enemies or fugitives, whether they be individuals or collectives. An act of forgiveness amounts to the statement, "I/we no longer consider you an enemy or a fugitive." It is a charitable act that either restores the bonds of community or makes such restoration more possible. It withdraws the delineation of "us" and "them" and opens the possibility of revised identity construction that portrays the formerly estranged parties as fellows.

Conclusion

A Final Word About the TRC

In the Introduction I described the Truth and Reconciliation Commission as a national baptism with tears, an extended ritual that announced the birth of a new nation. It was many other things as well: a communal act of penance; a forensic investigation of the apartheid state, its crimes, and its death throws; a breathtaking venture in restorative justice; a media circus at times; and a forum for political gamesmanship. It will take decades for South Africa and the world to understand the achievements and failures of the commission. As the decades pass, however, and the clarity of hindsight advances, the sharpness of immediate experience will recede. We will learn about the legacy of the TRC, but we will forget its raw power.

In this time, when the dramatic impact of the commission is still fresh and the contours of public response are beginning to become legible, the process of applying history's judgment to the TRC has already begun. It is being articulated in countless conversations, news reports, newspaper articles, etc. in South Africa and around the world. A rapidly growing number of books and articles concerning the commission are also being published. The Institute for Justice and Reconciliation, an NGO based in Cape Town and headed by the former Director of Research for the TRC, is making a particularly strong contribution to the clarification of South African public attitudes toward the TRC. In mid-2001 the IJR released a study based on 3727 interviews with a representative sample of

the South African population.²⁷⁵ CXXXIX Some relatively clear trends can be identified in their findings. In the paragraphs that follow I will make some general evaluative comments based on my interviews, my survey of media and academic reports, and the findings of the IJR study.

The first thing that I would say is that the TRC's truth-telling process was its greatest and least qualified success. The combination of Human Rights Violations Hearings, Special Hearings, Institutional Hearings, and an amnesty process that required full disclosure from applicants has led to the release into the public domain of a remarkably extensive body of information regarding human rights violations between 1960 and 1994 and the institutional and communal dynamics that fostered these violations. If truth is an essential component of a foundation upon which to build a new nation, then the TRC has made truly impressive progress in laying that foundation. Of course, reportage of facts is only one aspect of truth-telling. The sharing of experiential narratives and the debating of interpretations are equally important. The TRC made significant contributions in these areas as well, and has spurred a national debate outside its halls.

The IJR data shows that South Africans generally agree that truth-telling was what the TRC did best. "The task on which the TRC is most charitably rated is that of helping the families of the victims to find out what happened to their loved ones – uncovering the truth about the past. A majority of South Africans of every race agrees that the TRC has done a very good job on this function."²⁷⁶ Such a consensus could not be found on any other aspect of the TRC's work. A positive view of truth-telling is one of the very few

CXXXIX The first draft of this dissertation was completed before the IJR study was released.

attitudes concerning the TRC shared among all of South Africa's racial groups. Given earlier surveys that reported that many South Africans believed that the TRC had generated resentment and caused a deterioration of race relations,²⁷⁷ it is significant that the IJR study shows that citizens of all races supported the revealing of information about the past.

There is certainly no such support for the amnesty process. The majority of people surveyed by the IJR felt that the granting of amnesty was unfair to those who died during the apartheid struggle, to other victims, and to South Africans in general. This was true for Africans, whites, mixed race persons, and Asians. Despite this, the majority of *Africans* approved the giving of amnesty.²⁷⁸ This approval seems to result from a view that an amnesty was a necessary evil of the negotiated end to hostilities.

Most serious commentators agree that an amnesty was necessary to avoid civil war in South Africa.²⁷⁹ Assuming that they are correct, it must be said that the designers and facilitators of the TRC's amnesty process wrestled some real benefits out of a political arrangement demanded by the military and the outgoing regime. The greatest benefit was the contribution to truth-telling. Many of the facts regarding policies and activities of the security forces, for example, were uncovered only when members or former members applied for amnesty. This is true to a lesser extent of liberation organizations with armed wings. More was known previously about their activities. Another benefit of the amnesty process arose from the accountability that applicants had to accept, even if this was a soft form.

While celebrating these benefits, we have to be clear about the fact that the amnesty process had very real limitations. Anyone who thought that it would serve as a watershed that would put issues of prosecution and punishment for political crimes behind the nation will be sorely disappointed. Most of the senior members of the apartheid security apparatus refused to apply or cooperate. Many of the senior ANC members who did apply surrendered only sparse information in their applications. Many of the operatives who committed acts of gross violence were reticent to name their superiors. Now that the commission has ended, the ANC Government is faced again with the choice of holding criminal trials. It is contemplating a blanket amnesty for generals of the South African Defence Forces and senior ANC officials, a move that would generate much cynicism.^{CXL} The debate over retribution for political crimes will likely get hotter in the near future.

I have already mentioned a number of times that the reparations component of the TRC had been a strong disappointment. The fault does not lie with TRC officials, except to the extent that the dispersal of Urgent Interim Reparations became mired in inefficiency. Even here, it is not clear where the blame lies. In terms of the larger reparations process, the unwillingness to grant the commission the powers and resources necessary to implement a full reparations program and the hesitance of the ANC government to implement the measures recommended by the Reparation and Rehabilitation Committee appear to be the primary causes of its failure.

^{CXL} It is ironic that joint amnesty is being contemplated considering the consternation on the part of ANC leaders over the fact that the TRC did not more clearly distinguish between violence committed in defense of apartheid and violence committed in an attempt to end it.

Another failure relates to the fact that non-governmental organizations like businesses and churches have not been drawn into the reparations process. Corporations claim that they are already making contributions through social investments, but many businesses do little or nothing in this area. The IJR study shows that Africans and whites hold very different viewpoints on this issue. Africans are strongly united in the view that large businesses, the Afrikaans churches, white South Africans, individual companies profiting from apartheid, South African farmers, and the perpetrators themselves should all be forced to pay compensation. It is not surprising that only ten percent of whites feel that they should be required to offer compensation, but it is remarkable that only one third of them feel that business that directly benefited from apartheid should be forced to pay.²⁸⁰

The growing debate in the United States and elsewhere over reparations for African slavery has highlighted an issue relevant to this discussion. While some advocates of reparations for slavery advocate cash payments to the descendants of slaves, it is becoming more common to hear suggestions that other, more communal, forms of "restitution" would be better. It has been suggested, for example, that the United States could put together a resource package for the fight against AIDS in Africa as a form of compensation. Another idea is that resources be channeled into the education of African American children and the building up of civil society in the neighbourhoods where they live.

In South Africa, many kinds of community reparations have been recommended, but individual payments have been at the heart of the reparations program. While such payments are certainly deserved, I remain unconvinced that this is the best way to allot

resources. It holds potential for dividing communities. All blacks in South Africa are victims of apartheid and economic apartheid. Perhaps it would be better to funnel scarce resources into programs that improve health care, education, and social conditions for all members of the majority population, and that build up civil society. The Reparation and Rehabilitation Committee seriously considered a service approach to reparations, but rejected it because of administrative difficulties and a disparity of services available in regions of the country. Their logic is convincing. What they considered, however, was a service approach to compensation for *individuals*, not communities. They were forced to do this because the legislation that instituted the TRC had arranged for a reparations package to be offered to individual victims (and families) who were identified by the Human Rights Violations investigations. Again, the clarity of hindsight seems to suggest that the reparations program originally built into the architecture of the TRC was flawed.

Perhaps the most important question we can ask about the TRC is "did it actually advance reconciliation between the races in South Africa?" Or, using the language of this study, "did it advance political forgiveness?" Opinion on this issue is far from homogenous. Among international commentators and observers, most seem to believe that the commission has laid important groundwork for a future society less marked by racial tensions. Many highlight the fact that the commission has forged a collective memory to which South Africans of all backgrounds can accede. The IJR study supports this view. While there are differences of opinion about the validity of separate development as an idea, a clear majority of South Africans of all races agree that apartheid was a crime against humanity. They also agree that those who struggled for and against apartheid committed horrible abuses. There is less consensus about the extent to which whites were

aware of apartheid abuses and whether these are best blamed on individuals or institutions. Debate will continue about the causes of injustice and the proper allocation of accountability, but it will rest upon a consensus concerning the fact that pervasive oppression existed and spawned terrible conflict. Even this level of agreement is a gift to a country that was so much at odds only a decade ago.

In their praise for the TRC, international observers also point to its opening of "democratic reciprocity" and "deliberative democracy,"^{CXLI} its application of soft but real forms of accountability, its healing value for individuals and society, and its importance for curbing cycles of vengeance, among other goods. In general, South African commentary on the TRC is more mixed.^{CXLII} This is to be expected. South African commentators are immersed in the passions and struggles of today and are less likely to be concerned with how current developments will bear fruit decades from now. This does not make their opinions less valid. Indeed, their ability to take the pulse of the country and to feel the texture of public response to reconciliation initiatives is invaluable.

There are many in South Africa who praise the same aspects of the TRC that have received international commendation, but there are also many who argue that the TRC has not made the races more disposed toward rapprochement with each other. Such criticism comes most often from white quarters. Are they correct in this view? A principal objective of the IJR study was to test the state of race relations. Its authors argue that it would be "unfair to hold the truth and reconciliation process responsible for

^{CXLI} See my discussion of the work of Gutmann and Thompson in Chapter Seven.

^{CXLII} I do not want to give the impression that international commentary regarding the TRC is unanimous in its praise. It has its critics.

creating a reconciled, multi-racial South Africa. What colonialism, apartheid, and racism created over centuries cannot be erased through the activity of a government commission acting over the course of a tiny slice of time. Nonetheless, we would be remiss were we not to consider the question of the degree to which South Africa has achieved some degree of racial reconciliation at the beginning of the 21st century."²⁸¹

Their findings are mixed:^{CXLIII}

How much racial reconciliation is there in contemporary South Africa? Our data are ambivalent on this matter. On the one hand, large majorities of South Africans of every race reject the view that the country would be better off if there were no people of other races in South Africa - an encouraging finding. At the other extreme, most South Africans find it difficult to understand people of the opposite race, and substantial minorities (sometimes majorities) subscribe to negative racial stereotypes. Thus, the evidence of reconciliation is mixed.

One of the most interesting aspects of these data is the tendency among black South Africans to express more racially hostile attitudes than whites, Coloured people, and South Africans of Asian origin. Blacks hold negative views of whites in part due to their lack of interactions with white people, which we find is widespread. Black South Africans do not understand whites, they feel uncomfortable around them, do not trust what they say, and find it difficult to imagine ever being friends with a white person (and in fact few claim to have any white friends).²⁸²

The authors do not blame the TRC for African attitudes toward whites, but rather the isolation of most Africans from contact with whites - a dynamic that the TRC may actually have moderated in small measure. They also make the point that the current state of race relations must be put in perspective by imagining how respondents to their questionnaire might have answered their questions a decade ago. It is almost certain that figures indicating racial tension would have been much higher.²⁸³

^{CXLIII} The authors of the study do not use the same terms as me to denote race. Their use of "black" equates my use of "African" and their use of "Coloured" equates my use of "mixed race."

Can the reduction of tensions assumed by the authors be attributed to the TRC in any measure? I think it can. Racial groups have less to fear from each other because of the TRC. The unmasking of the apartheid security apparatus during HRV and Amnesty Hearings freed blacks from having to worry about the perpetuation of hidden cadres waiting for their day when they could retake power. The choice of a truth commission over vengeful measures by the new black-led government assured whites that they would not be persecuted or dispossessed. The humbling of human rights violators from both sides of the conflict and the empathy shown to their victims by people of all races revealed to whites and blacks their mutual humanity and their common pain.

What about forgiveness? Did the TRC advance the surrender of resentment and other antipathies in such a way as to free South Africans for the building of interracial fellowship? It cannot be questioned that many instances of individual victims (or clusters of victims) forgiving their tormentors were facilitated by the commission. Added up, these small dramas amount to an advance of political forgiveness that will influence society as a whole. Perhaps even more important is the modeling offered by the victims involved in these dramas, and by commission leaders like Archbishop Tutu. The American biblical scholar Walter Wink asserts that victimized Christians are called to be ambassadors of forgiveness, not waiting for the oppressors to take the first step through confession, but rather initiating the reconciliation process.²⁸⁴ Tutu operated out of this understanding of forgiveness as he led the TRC. A number of victims followed his model in their testimony. By offering pardon to their oppressors, sometimes even before it had been asked for, they were *calling out* the humanity of perpetrators and apartheid supporters. The TRC can similarly be seen as an exercise that, through its forgiveness

discourse, called out the decency, the empathy, and the moral courage of all South Africans who had become embittered by apartheid and the struggle to end it.

The life and work of the Truth and Reconciliation Commission was too controversial, too messy, and too marked by paradox for the enterprise to be called an unqualified success. In the wake of the apartheid struggle, anyone who anticipated this from a truth commission would have been naïve. Despite the political gamesmanship that tainted the commission and the public response to it, despite the rage that was inevitably voiced, and despite the Herculean task it was given when it was decided that the truth commission would also be a reconciliation commission, the TRC did not implode or cause the country to explode with vengeance - as some had feared. Instead it cleared away a goodly amount of the psychic rubble left over from apartheid and the war of liberation, leaving the horizon more clear for South Africans to see a future marked by peace and justice. It also recovered some of this rubble to be recycled and used as building materials for national reconstruction. Anger has become resolve. Despair has alchemized into empathy - at least in some measure. These are things to celebrate.

South Africa's baptism in tears was excruciating in many ways. Some of those present abandoned the ritual. But most stayed on and joined the Rainbow Nation whose birth was being announced to the world.

A Final Word About the Model

As I was just finishing the process of editing this dissertation, I turned on the television and discovered that four airplanes had been hijacked and that three of them had crashed into the World Trade Center and the Pentagon, causing thousands of deaths. Like everyone else, I am still reeling from that news and trying to come to terms with its meaning. Writing now just days after that event, I have heard very little about forgiveness and much about revenge - usually masked by other words like "justice," "punishment," "war," or "retribution." It does not seem to be human nature to immediately respond to violence, as individuals or political bodies, with calls for forgiveness. In the case of the recent terrorist attacks, the surviving perpetrators would not likely be interested in forgiveness dialogue anyway. But rapprochement will have to come, someday, between those who hold to the "American Dream" and those who are willing to kill and die to stay its advance. The discourse that leads to such a rapprochement may totally eclipse the reconciliation process in South Africa in terms of both complexity and timeline.

Political forgiveness will have to become a greater part of human reality if we are to be spared endless cycles of violence. More and more people are coming to hold this view. My model of political forgiveness is intended to be a contribution to the discourse being opened by these people. It is shaped, of course, by my own predilections and formation, but I would like to think that it is shaped even more by the contours of reconciliation in South Africa and by the lessons being taught to the world by South Africans. My hope is that it will be compared with models, theories, and ideas developed by those working on reconciliation initiatives in other parts of the world, and that this exercise will clarify the

challenges faced wherever people are trying to move from war and oppression to peace and justice.

The five acts in my Drama of Political Forgiveness could have been structured differently. Act two, Apology and the Claiming of Responsibility, could have been scripted as part of Act One, Truth-telling. I chose not to do this in order to maintain some harmony between the elements of my model and the elements of interpersonal forgiveness as I understand it. A strong case could be made for scripting an act fully dedicated to reparations, instead of including it within Act Four, Finding Ways to Heal. While I was writing this work, the issue of reparations for slavery heated up in the US and elsewhere. There is a lot to say on this topic. Some, perhaps including Wink or Tutu, would move the focus on forgiveness to Act One, and would emphasize much more than I have the potential forgiveness holds for calling oppressors out of their misanthropy and into right relations. I would not quarrel strongly with any of these changes. I say this not because I question my own choices, but rather because I know that the study of political forgiveness is in its early days, and I look forward to its maturation with an open mind.

Because of recent events, my fear is that this topic, only just capturing the world's attention, will be pushed from view as a taste for war spreads. The history of South Africa teaches us that such setbacks are an all too real possibility. But it also teaches us that enemies tire of the fight, and prophets of peace find their audience. When they do, the imperative to forgive rises to consciousness.

End Notes

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- ⁵ "Transcript of Heidelberg Tavern Massacre Amnesty Hearing," *Truth and Reconciliation Commission Website* (27-31 October 1997) < www.truth.org.za>.
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- ²⁰ Matthew 18:21-2, NRSV.
- ²¹ Shriver, *Ethic*, p. 46.
- ²² Marty, "The Ethos of Christian Forgiveness", p. 22.
- ²³ Matthew 18:18. See also John 20:23.
- ²⁴ *New Catholic Encyclopedia* (1967), s.v. "Penance. Sacrament of."
- ²⁵ *The Encyclopedia of Religion* (1987), s.v. "Christian Sacraments." by Monika K. Hellwig.
- ²⁶ Ibid. See also Shriver. *An Ethic for Enemies*, pp. 49-52.
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- ²⁸ Jeffrie G. Murphy, "Forgiveness and resentment" in Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988).
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- ³⁰ Murphy, "Forgiveness and resentment," p. 23.
- ³¹ Murphy, "Forgiveness and resentment" p. 24. Italics are mine.
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- ¹⁴⁰ "A Question of Repentance," *United Church Observer*, October 1997.
- ¹⁴¹ United Church of Canada Press Release, October 27, 1998.
- ¹⁴² This encounter was televised by the South African Broadcasting Company during its nationally-viewed evening news journal. It was shown in South Africa's autumn of 2000. My account is based on my memory of having seen the broadcast. Some of the details of my account may be inaccurate, but the general contours of the encounter remain painfully clear.
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- ¹⁴⁴ Asmal, Asmal, and Roberts, *Reconciliation*, p. 28.
- ¹⁴⁵ It is difficult to know just how high this proportion is. My impressions are based on my interviews and conversations during my visit, the voting patterns of white South Africans, and the vocal opposition from privileged citizens to affirmative action programs.
- ¹⁴⁶ Register of Reconciliation, *Truth and Reconciliation Commission Website* <www.truth.org.za>.

- ¹⁴⁷ This episode was recounted to me by Mr. Bizos during an interview in April, 2000. He tells the same story in the epilogue to his book *No One to Blame?: In Pursuit of Justice in South Africa* (Cape Town: David Philip Publishers, 1998).
- ¹⁴⁸ Shriver, *Ethic*. pp. 30-1.
- ¹⁴⁹ TRC, *Final Report*, vol. 1, chapter 1, para. 21-3.
- ¹⁵⁰ Elizabeth Kiss "Moral Ambition Within and Beyond Political Constraints" in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rotberg and Dennis Thompson, eds., (Princeton: Princeton University Press, 2000), p. 77.
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- ¹⁵³ *Ibid.*, para. 29.
- ¹⁵⁴ Kiss, "Moral Ambition," p. 77.
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- ¹⁵⁶ "National Promotion of Unity and Reconciliation Act of 1995," Section 1(1)(x), quoted in Charles Villa-Vicencio and Wilhelm Verwoerd "Constructing a Report: Writing up the 'Truth'", in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rotberg and Dennis Thompson, eds., (Princeton: Princeton University Press, 2000), p. 292n.7.
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- ¹⁶⁹ *Ibid.* p. 173.
- ¹⁷⁰ *Ibid.* pp. 174-5.
- ¹⁷¹ *Ibid.* pp. 177-8.
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- ¹⁷⁴ *Ibid.*
- ¹⁷⁵ For a fascinating and evocative discussion of vengeance, including a thorough survey of its literary treatment, see Susan Jacoby. *Wild Justice: The Evolution of Revenge* (New York: Harper & Row, 1983).
- ¹⁷⁶ *Ibid.* pp. 12-13.
- ¹⁷⁷ *Ibid.* p. 5.

¹⁷⁸ Ibid., p. 291.

¹⁷⁹ Ibid., pp. 4-5, 291.

¹⁸⁰ Background information on the CCB for this vignette was gleaned from Jacques Pauw, *Into the Heart of Darkness: Confessions of Apartheid's Assassins* (Johannesburg: Jonathan Ball Publishers, 1997). In this volume, Pauw, a respected journalist who has worked for the South African Broadcasting Company, provides a wealth of information about the lives and motivations of the men who committed the worst apartheid atrocities.

¹⁸¹ Jean Hampton, "The Retributive Idea" in Jeffrie G. Murphy and Jean Hampton *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1998), p. 117. See also J.L. Mackie, "Morality and the Retributive Emotions," *Criminal Justice Ethics* (1982), pp. 3-9.

¹⁸² Hampton, "The Retributive Idea," pp. 117-8.

¹⁸³ Jeffrie G. Murphy, "Forgiveness and resentment" in Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988). See the section of my Introduction on "Interpersonal Forgiveness."

¹⁸⁴ Hampton does not fully accept Murphy's theory of resentment, but she accepts the parts described by me in this paragraph.

¹⁸⁵ Hampton, "The Retributive Idea," pp. 122-5.

¹⁸⁶ Ibid., p. 126.

¹⁸⁷ Jacoby, p. 2.

¹⁸⁸ Hampton, "The Retributive Idea," p. 127. The italics are Hampton's.

¹⁸⁹ Sanford Levinson, "Trials, Commissions, and Investigating Committees: the Elusive Search for Norms of Due Process" in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rotberg and Dennis Thompson, eds., (Princeton: Princeton University Press, 2000), p. 211.

¹⁹⁰ Ibid., p. 228n 3. See also Bruce Ackerman. *The Future of Liberal Revolution* (New Haven, 1992).

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¹⁹² Amnesty International, "Policy Statement on Impunity" in *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, vol. 1, Neil J. Kritz ed., (Washington D.C.: United States Institute of Peace Press, 1995), pp. 290-1.

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¹⁹⁶ Ibid., pp. 10-11.

¹⁹⁷ Paul van Zyl, "Justice without Punishment: Guaranteeing Human Rights in Transitional Societies," in *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, Charles Villa-Vicencio and Wilhelm Verwoerd eds., (Cape Town: University of Cape Town Press, 2000).

¹⁹⁸ Ibid., p. 49.

¹⁹⁹ Ibid., pp. 51-4.

²⁰⁰ Kiss, "Moral Ambition," p. 71.

²⁰¹ Ibid., p. 73. Here she is following the work of Nancy Frazer. See Nancy Frazer, "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age," *Justice Interruptus* (New York, 1997).

²⁰² Amy Gutmann and Dennis Thompson, "The Moral Foundations of Truth Commissions" in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rotberg and Dennis Thompson, eds., (Princeton: Princeton University Press, 2000), pp. 35-6.

²⁰³ Ibid., p. 38.

²⁰⁴ Ibid., p. 36.

²⁰⁵ An Amnesty International document entitled "Preserving the gains for human rights in the 'war against crime': Memorandum to the South African Government and South African Law Commission on the draft Anti-Terrorism Bill, 2000" provides an interesting discussion of this situation and the government response. <<http://www2.amnesty.se/lifos.nsf/>>.

²⁰⁶ See Chapter Eight.

- ²⁰⁷ See Judith Herman, *Trauma and Recovery* (New York: Basic Books, 1992), as well as Martha Minow, "The Hope for Healing: What Can Truth Commissions Do?" in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rotberg and Dennis Thompson, eds., (Princeton: Princeton University Press, 2000), p. 242.
- ²⁰⁸ Kiss, "Moral Ambition," p. 80.
- ²⁰⁹ See Desmond Tutu, *No Future Without Forgiveness* (London: Rider, 1999), pp. 55-7, especially the quote from Judge Mahomed.
- ²¹⁰ Herman, *Trauma*.
- ²¹¹ *Ibid.*, p. 1.
- ²¹² *Ibid.*, p. 33.
- ²¹³ *Ibid.*, p. 34.
- ²¹⁴ *Ibid.*, pp. 3-4.
- ²¹⁵ *Ibid.*, pp. 37-50.
- ²¹⁶ *Ibid.*, pp. 37-8.
- ²¹⁷ *Ibid.*, p. 2.
- ²¹⁸ *Ibid.*
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- ²²⁰ *Ibid.*, pp. 75-6.
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- ²²² For a discussion of national trauma, individual trauma caused by political events and circumstances, and the interconnectedness of the two, see David Becker, Elizabeth Lira, Maria Isabel Castillo, Elena Gomez, and Juana Kovalskys, "Therapy with Victims of Political Repression in Chile: The Challenge of Social Reparation" in *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, vol. 1, Neil J. Kritz ed., (Washington D.C.: United States Institute of Peace Press, 1995), pp. 583-91.
- ²²³ Harper was interviewed at the Trauma Centre in early 2000.
- ²²⁴ Herman, *Trauma*, p. 91.
- ²²⁵ *Ibid.*, p. 133.
- ²²⁶ *Ibid.*
- ²²⁷ *Ibid.*
- ²²⁸ Becker et al. p. 587.
- ²²⁹ Herman, *Trauma*, p. 134.
- ²³⁰ *Ibid.* 135.
- ²³¹ Becker et al. "Therapy with Victims." p. 587.
- ²³² Herman, *Trauma*, p. 155.
- ²³³ *Ibid.*, pp. 155-74.
- ²³⁴ *Ibid.*, pp. 175-95.
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- ²³⁶ Human Rights Program Harvard Law School, and World Peace Foundation. *Truth Commissions: A Comparative Assessment - An Interdisciplinary Discussion Held at Harvard Law School in May 1996* (Cambridge: Harvard Law School Human Rights Program, 1997), p. 26.
- ²³⁷ *Ibid.*
- ²³⁸ Herman, *Trauma*, pp. 181-3.
- ²³⁹ *Ibid.*, p. 189.
- ²⁴⁰ See the section in the Introduction on "Interpersonal Forgiveness."
- ²⁴¹ Hayner *Unspeakable*, pp. 170-71. See also the TRC *Final Report*, vol. 5, chapter 5, para. 11-18.
- ²⁴² Hayner, *Trauma*, pp. 170-1.
- ²⁴³ Minnow, *Between*, p. 93.
- ²⁴⁴ TRC, *Final Report*, vol. 5, chapter 5, para. 3.
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- ²⁵³ Rajeev Bhargava, "Restoring Decency to Barbaric Societies" in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rothberg and Dennis Thompson eds., (Princeton: Princeton University Press, 2000), pp. 60, 61.
- ²⁵⁴ Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville: Abingdon Press, 1996), p. 17.
- ²⁵⁵ *Ibid.*, pp. 57-68.
- ²⁵⁶ *Ibid.*, pp. 72-8, 35-7.
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- ²⁶⁹ Desmond Tutu, "Response at Graduation of Columbia University's Honorary Doctorate" (address/ 2 August 1982). Quoted in Battle, *Reconciliation*, pp. 43-4.
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- ²⁷⁴ In my depiction of the relationship between forgiveness as charity and justice I borrow heavily from correspondence from Professor Frederick Bird of Concordia University to myself.
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- ²⁷⁸ Gibson and Macdonald, "Truth - Yes," pp. 7-9.
- ²⁷⁹ *Ibid.*, p. 6.
- ²⁸⁰ *Ibid.*, p. 10.
- ²⁸¹ *Ibid.*, p. 15.
- ²⁸² *Ibid.*, p. 18.
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- ²⁸⁴ Wink, *Powers*, p. 18.

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