RESTORING THE HUMAN SPIRIT: THE TRUTH AND RECONCILIATION COMMISSION AND THE PLACE OF FORGIVENESS IN THE RECONCILIATION OF THE RAINBOW NATION

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1. INTRODUCTION

The world had expected the transition period in South Africa to turn into a bloodbath. Instead, a reasonably peaceful transition was made from apartheid to democracy. One year after the first democratic elections in 1994, a Truth Commission was established for South Africa. People came from all walks of life to tell their stories - from victims to perpetrators. It was an event and process the world took notice of, learnt from and could not dismiss as insignificant.

For many, remembrance of the past is necessary. Philosopher George Santayana explains it as follows: "Those who cannot remember the past, are condemned to repeat it." Richard von Weizsacker, one-time President of West Germany, goes further: "Whoever closes his eyes to the past, becomes blind to the present. Whoever does not wish to remember inhumanity, becomes susceptible to the dangers of new infection." Archbishop Desmond Tutu, chairperson of the South African Truth and Reconciliation Commission, explains that "unless our past was acknowledged and dealt with adequately, it could blight our future"⁵, and for Kader Asmal, Minister of Water Affairs at the time the TRC was set up, the danger of not dealing with the past lies in the fact that "we are thereby ripping the foundations of justice from beneath new generations".6

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DM Tutu, No future without forgiveness (London, 1999), p. 32.

A Boraine, **A country unmasked** (Cape Town, 2000), p. 366. Hereafter referred to as 'the TRC' or 'the Commission'.

A Krog, Country of my skull (Johannesburg, 2002), p. 268. See also K Asmal et al., Reconciliation through truth. A reckoning of apartheid's criminal governance (second edition), (Cape Town, 1997), pp. 10-1; 28. The authors provide a detailed outlay of how a process of collective memory will in turn move people towards a number of crucial goals.

Despite calls for a process of prosecutions or for amnesia - 'let bygones be bygones' - South Africa decided to deal with the past in the form of a unique truth commission where amnesty would be granted in exchange for truth. People were encouraged to tell their stories and support the TRC. Antjie Krog⁷ explains the importance of this: "I realised instinctively: if you cut yourself off from the process, you will wake up in a foreign country - a country that you don't know and that you will never understand." This decision to deal with the past gave ordinary people a voice, so that they could express their experiences and suffering under the previous government. This led to a better understanding of South Africa's past.

The ideal expectation for South Africa's TRC, particularly as envisioned by Archbishop Desmond Tutu, was that victims of gross human rights violations would offer forgiveness after perpetrators had repented of their deeds. This would lead to reconciliation between individuals, as well as nation-wide reconciliation. When perpetrators were asking the victims for forgiveness this process involved, on the one hand, perpetrators showing their humanity, and, on the other hand, restoring the dignity of the victims. According to Tutu's vision, people must first know so that they can then move forward to reconciliation, with the victim being able to forgive and the perpetrator being able to apologise for having committed these crimes. This process of reconciliation can initiate change, as well as a reformative process in society.

It was argued that the central theme of the postscript of the final postamble to the Interim Constitution could be interpreted as: "For the sake of reconciliation we must forgive, but for the sake of reconstruction we dare not forget." Concepts such as restoration, forgiveness, healing and reconciliation were emphasised over and again by the Commission. Although the emphasis was placed on forgiving and not necessarily forgetting in the process of reconciliation and Desmond Tutu encouraged people appearing before the Commission to use the words: 'I am sorry. Forgive me', the law empowering the TRC, the Promotion of National Unity and Reconciliation Act, only made provision for amnesty on the basis of full disclosure, and did not state remorse as a requirement for amnesty.

There were extraordinary testimonies and incidents involving forgiveness and reconciliation at a number of hearings, where victims and perpetrators even embraced each other. There were also many people who could not bring themselves to the point of forgiving past atrocities, especially where many perpetrators failed

Well-known South African poet and writer. Krog, p. 131.

K Christie, **The South African Truth Commission** (London, 2000), p. 143.

to show any signs of remorse. Many black people saw hope for the future through the TRC process, while many white people were complaining about the TRC and became increasingly defensive and embittered about the TRC process. While certain South Africans still refuse to acknowledge the atrocities of the past, there is also continuing disagreement among other groups as to whether they ought to forgive their oppressors and move on. ¹¹

In view of the fict that forgiveness is an individual choice, and against the background of the South African TRC, where remorse was not a prerequisite for granting amnesty, certain questions need to be asked. Is it possible to forgive that which is unforgivable? Is forgiveness possible without any acts of repentance? Was South African society really united in its memory of the past, and will it be truly purified as a result of what is now known? Did the initiators of this process achieve their goal of reconciliation? And, after ten years of democracy, was forgiveness necessary and successful with regard to the goal of reconciling the nation?

The purpose of this article is to place these questions in perspective by analysing the principles of forgiveness and reconciliation within the legislative framework in which the South African TRC was operating, as well as its purpose and role. The emphasis on forgiveness by the Commission, with its more 'religious' character, will also be examined by focusing on various examples. Finally, the progress on the road to forgiveness and reconciliation must be evaluated to provide an indication of where South Africa's rainbow nation stands at the time of the 10th anniversary of democratic rule in the country.

2. SETTING UP A UNIQUE TRUTH COMMISSION FOR SOUTH AFRICA

Truth commissions are a phenomenon that has re-echoed around the world in many different contexts and circumstances. In general terms, a truth commission can be defined as a "temporary, officially sanctioned body, possessing sufficient authority to perform investigatory and advisory functions, and to render a comprehensive official account of past human rights violations, consistent with state obligations under international law". Truth commissions have four overlapping goals: "creating an authoritative record of what happened; providing a platform for the victims to tell their stories and obtain some form of redress; recommending legislative, structural or other changes to avoid a repetition of past abuses; and

201

This Day, 28 June, 2004, p. 11; P Meiring, "Unshackling the ghosts of the past. Reflecting on the truth and reconciliation process in South Africa", **Missionalia** 30(1), April 2002, p. 65. Christie, p. 60.

establishing who was responsible and providing a measure of accountability for the perpetrators. 13

As a result of specific circumstances, truth commissions are generally set up at the beginning of a transition period, which in turn determines the nature of the commission iself. Such a commission usually forms part of a society that is emerging from periods of repressive, traumatic and violent systems of human rights abuses. ¹⁴

South Africans sought to learn from past mistakes, and to develop a different kind of truth commission right from the start. Prof. Kader Asmal explained his view of a truth commission for South Africa: "There is no prototype that can be automatically used in South Africa. We will be guided, to a greater or lesser extent, by experiences elsewhere, notably in those countries that managed to handle this highly sensitive - even dangerous - process with success. But at the end of the day, what is most important is the nature of our particular settlement and how best we can consolidate the transition in South Africa." ¹⁵

The idea of a truth commission for South Africa originated with the African National Congress (ANC). The party was accused of having perpetrated human rights violations in some of its Tanzanian training camps, as well as in other parts of Southern Africa.¹⁶ The ANC responded by setting up its own internal inquiries. Investigations were conducted by appointed commissions such as the Motsuenyane Commission (Commission of Inquiry into Certain Allegations of Cruelty and Human Rights Abuses against ANC Prisoners and Detainees by ANC Members), and it was confirmed that gross human violations had taken place in camps during the time of exile. The National Executive Committee (NEC) of the ANC accepted these findings. However, the NEC decided that these violations should be seen against the general background of human rights violations committed in South Africa over a long period. The NEC believed that appointing a truth commission was the best way to tackle the party's own violations and those of the state and other organisations, with the emphasis on full disclosure and accountability, as well as the need for the whole truth. In 1993, the NEC called on the government to "agree, following discussions with the ANC and other political and non-

13 **Ibid.**, p. 61.

14 **Ibid**.

LS Graybill, Truth and reconciliation in South Africa. Miracle or model? (London, 2002),

p. 1.

South Africa's human spirit. An oral memoir of the truth and reconciliation commission,
CD 2 no. 7: "Slices of life: the imprisonment under apartheid of all South Africans -physically,
mentally, emotionally and spiritually", (Cape Town, 1999).

governmental organisations, to set up, without delay, a Commission of Inquiry or Truth Commission into all violations of human rights since 1948".

The ANC further argued for a "(c)all for the establishment of a Commission of Truth, similar to bodies set up in a number of other countries to deal with the past. The purpose of such a commission will be to investigate all the violations of human rights and their perpetrators, to propose a future code of conduct for all public servants, to ensure appropriate compensation to the victims and to work out the best basis for reconciliation. In addition it will provide a moral basis for justice and for preventing any repetition of abuses in the future." 18

Minister Dullah Omar announced to Parliament, on 27 May 1994, the government's decision to set up a commission of truth and reconciliation which would enable South Africa to come to terms with its past. 19 The Promotion of National Unity and Reconciliation Act, No. 34 of 1995, mandated the South African Truth and Reconciliation Commission (TRC), and came into effect on 15 December 1995 with the appointment of the commissioners. The objectives included establishing as 'complete [a] picture as possible' of the 'nature, causes and extent' of gross violations of human rights that occurred during the period 1 March 1960 to 10 May 1994.21

The South African TRC, while not a direct product of the negotiation process, was strongly influenced and determined by the nature of the negotiations leading up to the first democratic elections, the establishment of a new, democratic dispensation and the transfer of power in South Africa. It was inevitable that compromises would have to be made between the state and the liberation movements during the transitional political negotiations. Amnesty provision was one of these compromises. A powerful impetus towards the establishment of the commission in particular was the postamble of the Interim Constitution, which made provision for a limited form of amnesty. It reads as follows:

"This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on recognition of human rights, democracy

Boraine, p. 40. 20

Boraine, pp. 11-2; S. Wilson, "The myth of restorative justice: Truth, reconciliation and the ethics of amnesty", **South African Journal on Human Rights** 17(4), 2001, p. 533. Christie, p. 81.

Boraine, p. 71. For more detail on the objectives of the TRC, see the booklet published by Justice in Transition, Truth and Reconciliation Commission (Rondebosch, s.a.), pp. 5-7; Boraine, p. 48; Krog, pp. 9-11: Asmal. p. 14.

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 the 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 for 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 mechanism, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law has been passed."²²

The question that had to be answered was *how* to deal with the atrocities of the past. There were some who wanted to follow the Nuremberg trial paradigm. They were of the opinion that all perpetrators of gross human rights violations should bear the full brunt of the normal judicial process. On the other hand, there were those who opposed the trial option and suggested that bygones should rather be bygones. This option makes provision for a blanket or general amnesty and there was strong criticism against it. Archbishop Desmond Tutu felt that general amnesty amounted to amnesia, and that accepting this option would subject the victims of apartheid to a second round of suffering. It seemed that criminal trials would be unfeasible, and blanket amnesty unacceptable. A third option was therefore decided upon - the granting of amnesty to individuals in exchange for full disclosure of the truth relating to the crime for which amnesty was being sought. The decision was

Boraine, pp. 7; 38-9; Christie, p. 61; T Bell (in collaboration with DB Ntsebeza), **Unfinished business. South Africa apartheid and truth** (Muizenberg, 2001), pp. 238-9; http://www.scu.edu/bannancenter/publications/explore/spring02/onforgiveness.cfm (August 2004).

thus taken - the TRC of South Africa would seek to promote full disclosure of the truth, limited amnesty and reparation.²

One of the most far-reaching and unique features of the Commission was that it offered amnesty in exchange for truth. Apart from Tutu's explanation that amnesty "is not given to innocent people or to those who claim to be innocent". 24 and further clarifications that amnesty accompanied by full disclosure can wipe the "legal slate clean, but not the historical slate and definitely not the moral slate", there were still many people who argued strongly for a punitive, retributive justice that required nothing short of a court of law. Many families and individuals who were victims themselves, and/or relatives of those who had been victims of gross human rights violations, expressed their dissatisfaction and unhappiness at the amnesty process, which they felt was a denial of justice, and demanded to have their day in court. Attempts were even made by family members of high-profile victims of apartheid to stop the Commission from giving amnesty to anyone. 26 Arguments were upheld that cycles of violence and counter-violence could appear if the state failed to seek retributive justice. Critics were also questioning the government's commitment to human rights.²⁷

Against the background of these arguments and criticism, it is important to distinguish between retributive justice and restorative justice. Retributive justice means that the state hands down punishment. Restorative justice places the central emphasis on "the healing of breaches, the redressing of imbalances, the restoration of broken relationships". ²⁸ Apart from the fact that this type of justice demands that the accountability of perpetrators be extended to making a contribution to the restoration of the well-being of their victims, it also seeks to rehabilitate both the victim and the perpetrator, who should be given the opportunity to be reintegrated into the community he/she had injured by his/her offence. The TRC claimed that restorative justice is served when "efforts are being made to work for healing, for forgiveness and for reconciliation".²⁹ It is thus a process based on reparation, which "challenges South Africans to build on the humanitarian and caring ethos of the South African Constitution and to emphasise the need for reparation rather than

23 Tutu, pp. 24-33; Christie, p. 68; Asmal, pp. 17-20; Sowetan, 12 May 2004, p. 15.

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Tutu, p. 51. WJ Verwoerd, "Toward the truth about the TRC: A response to key moral criticisms of the South African Truth and Reconciliation Commission", **Religion and Theology** 6(3), 1999, p. 320. The applicants (relatives of Steve Biko, Griffiths Mxenge and Fabian and Florence Ribeiro) applied for direct access to the Constitutional Court. The application was dismissed by the Constitutional Court in July 1996. The Court held that the postamble authorised the granting of 27

amnesty. Christie, p. 121. Boraine, p. 279; Graybill, pp. 57-8. Tutu, p. 51.

Ibid., pp. 51-2.

retaliation - despite growing anger and insecurity in the midst of high levels of crime in South Africa". 30 In other words, restorative justice is a "community-based, negotiated, more democratic form of justice, with responsible reconciliation seen as the best prevention".31

The TRC was convinced that restorative justice would create better opportunities for all parties involved than punishment according to a criminal justice system. For Alex Boraine, vice-chairperson of the TRC, it was not an abdication of justice, but the only available form of justice that would be suitable within the unique context of a traumatic transition.³²

A MORE RELIGIOUS CHARACTER FOR THE SOUTH AFRICAN 3. TRUTH AND RECONCILIATION COMMISSION

In his book No future without forgiveness, Archbishop Desmond Tutu notes that it is interesting that the President appointed an Archbishop as chairperson of the Commission and not, for instance, a judge. ³³ Apart from Alex Boraine, who had at one time been the President of the Methodist Conference, three of the Commissioners were active, ordained ministers who had also been the national heads of their denominations. According to Desmond Tutu, "the President must have believed that the work of the TRC would be profoundly spiritual. After all, forgiveness, reconciliation and reparation were not the normal currency in political discourse. Forgiveness, confession and reconciliation were far more at home in the religious sphere."34

Although the legislation of the TRC was not framed in religious terms, the presence of Archbishop Desmond Tutu as chairperson and his theological views in particular definitely lent a more religious tone to the activities of the TRC. This more religious, 'heavily spiritual and indeed Christian' character and emphasis of the TRC earned both praise and criticism. Critics felt it diminished the value of the Commission's work and excluded people from other faiths, and they were embarrassed by the typical religious ceremonies and the Christian atmosphere. 35

Against the background of this criticism, it should be taken into account that religion has always played an important and dominant role in South African

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Graybill, pp. 166-7; Boraine, pp. 265-8.

Truth and Reconciliation Commission of South Africa Report, Vol. 1 (Cape Town, 1998),

p. 127. Verwoerd, p. 313. 31

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Boraine, p. 427.
Tutu, p. 71. **Ibid.**; http://www.scu.edu/bannancenter/publications/explore/spring02/onforgiveness.cfm (August 2004).

society. Because of the importance of Christianity in the country, the Christian framework within which the TRC operated was widely accepted by the majority of South Africans.³⁶ To a certain extent, many people had experienced the search for truth and truth-telling in their own churches and cathedrals. Christian thought has always had an impact on public discourse in South Africa. According to Richard Elphick, "Christian doctrine, language and sentiment are ... interwoven in the social and cultural history of South Africa." ³⁷ Boraine argues that, against this background, the Commission was assisted in its work by the religious nature of the wider South African community.³⁸

When challenged by journalists, Tutu himself, with his full ecclesiastical dress, use of Christian metaphors and offerings of prayers, justified his strong element of spirituality by stating that he could not pretend to be someone else. He is a religious leader, and had been chosen by the President to chair the Commission in this capacity. The Commission accepted who he was, and he operated within this framework. This meant that religious and theological perspectives and insights would determine much of what the Commission did and how they did it.³⁵

According to Tutu, "theology helped the people in the TRC to recognise that everyone inhabits a moral universe, that good and evil are real and that they matter. Those are not just things of indifference. This is a moral universe, which means that, despite all the evidence that seems to be to the contrary, there is no way that evil and injustice and oppression and lies have the last word. For those who are Christians, the death and resurrection of Jesus Christ are positive proof that love is stronger than hate, that life is stronger than death, that light is stronger than darkness, that laughter, joy, compassion, gentleness and truth, all these are so much stronger than their ghastly counterparts." 40

The persona of Nelson Mandela must also be taken into account. For many people, he is the embodiment of truth and reconciliation in his own person and life. 41 He was the one who gave both prominence and stature to the Commission by supporting the establishment thereof. Mandela was directly involved in selecting

Boraine, pp. 265-8. Tutu, pp. 72-3; Graybill, p. 166. Tutu, p. 76.

Boraine indicates in his book that, during the 1991 census, more than 70% of the respondents indicated some relationship with one of the major denominations of the Christian church. He also indicates the 'remarkable growth' of the 'so-called African independent churches'. Boraine, p. 267. Graybill elaborates on these numbers by indicating that 72,6% of South Africans identified themselves as Christians, including 76% of the African population. Graybill, p. 166.

Graybill, p. 166.

http://www.scu.edu/bannancenter/publications/explore/spring02/onforgiveness.cfm (August

the chairperson and vice-chairperson, and in appointing the commissioners. With his support for the activities of the Commission and his own personal embodiment of reconciliation, the message of forgiveness received even more prominence.

4. THE ROLE AND PLACE OF FORGIVENESS ON THE ROAD TO RECONCILIATION

Bringing about healing to some extent in a divided society was one of the primary motives and objectives of the TRC. The idea was that the access to truth through detailed information gained from the victim hearings, where they could relate what had happened to them in their own language, way and style, as well as the amnesty hearings, where full disclosure was part and parcel of the process, would enable people to come to terms with the past. As a widow testifying at a TRC hearing explained: "No government can forgive, no commission can forgive. They don't know my pain. Only I can forgive and I must know before I can forgive."

With regard to the opportunity for both sides to tell their stories, the emphasis was on accountability and acknowledgement. Because the proceedings of all committees had to be open to the public, a measure of accountability was achieved. For many people, especially the victims, the knowledge gained from detailed information that was made available was important as such, but even more crucial was the *acknowledgement* of this knowledge by all sections of society. Through the public hearings, the victims gained acknowledgement of their pain and suffering from the community. Official acknowledgement of the past was a step forward to healing a hurting society and thus focusing on a freer existence in the future.⁴³

Thus, in the process of restoring memory, the emphasis was also on restoration for both victim and perpetrator. In Tutu's view in particular, forgiveness and reconciliation between these two parties could lead to healing. The TRC, with its unique amnesty process, became the instrument for forgiveness and reconciliation on a national and individual basis, transcending all the boundaries of race and religion.

Can it then be argued that the model of reconciliation became feasible in postapartheid South Africa because of the message of truth, repentance and reconciliation and the Christian morality of forgiveness? Can confession and the seeking of forgiveness transform lives and transcend behavioural changes in individuals and, to a larger extent, in a nation? Archbishop Tutu believes this to be possible. After a visit to Rwanda, he said: "Confession, forgiveness and

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Boraine, p. 278.

⁴³ **Ibid.**, pp. 293-5; Christie, p. 57; Graybill, p. 164.

reconciliation in the lives of nations are not just airy-fairy religious and spiritual things, nebulous and unrealistic. They are the stuff of practical politics."

To address these questions in more detail, one must consider the various approaches to the concepts of reconciliation and forgiveness.

The Christian understanding and the African philosophy of ubuntu are two important approaches to reconciliation. In the Christian religion, the focus is on the covenant between God and the individual, with Jesus Christ as the bridge to the relationship. Confession, repentance, restitution and forgiveness all form part of reconciliation, which is seen as a gift from God that cannot be earned. Reconciliation with God goes hand in hand with reconciliation with your neighbour. 45 Tutu discusses this theology as one that "can never give up on anyone, because God was one who had particularly a soft spot for sinners. ... Christians are constrained by the imperatives of the Gospel, the Good News of a God who had a bias for sinners, contrary to the normal standards of the world. ... Ultimately no person or situation in this theology is an irredeemable cause devoid of all hope." 46 Boraine explains this concept further through the words of Hannah Arendt, a Jewish philosopher, who sees Jesus of Nazareth as the "discoverer of the role of forgiveness in the realm of human affairs. The fact that Jesus made this discovery in a religious context and used religious language to describe it, is no reason to take it any less seriously in a strictly secular sense."

Ubuntu (translated as 'humanness'), on the other hand, represents humanity, personhood, group solidarity and morality, and speaks to the very essence of being human. If ubuntu is part of a person, he/she is available and open, caring and compassionate towards others, and possesses the self-confidence that arises from the conviction that he/she belongs to the greater cycle of life. Ubuntu expresses itself as 'people are people through other people'. Ubuntu suggests, in the case of violence, that a victim should not seek revenge and become a new perpetrator, but should rather forgive, thereby breaking the cycle of violence. To forgive is the best form of self-interest, and is not only altruistic. Forgiveness can enable people to survive and be human, despite efforts to dehumanise them. 48

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⁴⁴ Truth and Reconciliation Commission of South Africa Report, Vol. 5 (Cape Town, 1998),

p. 351. Boraine, pp. 360-3. Tutu, pp. 74-5. 46

Boraine, p. 363. Tutu, pp. 34-6; 51; 127; 213; **Truth and Reconciliation Commission of South Africa Report**, Vol. 1 (Cape Town, 1998), pp. 125-8; Boraine, p. 362; Asmal, p. 21; http://www.scu.edu/bannancenter/publications/explore/spring02/onforgiveness.cfm (August 2004).

In both of these approaches to reconciliation, forgiveness plays a prominent role. What does it entail? Wilson describes it as the "forswearing of resentment: changing the way you feel towards a person who committed an intentional, unexcused wrong against you". 49 According to Tutu, forgiving does not condone what has happened, but it does draw out the sting in the memory and causes the victim to abandon the notion of the right to take revenge. It is an act of faith that believes the wrongdoer can be rehabilitated, which also liberates the victim. 50 If this conviction that people can change by recognising, acknowledging and confessing their wrongdoing and ultimately asking for forgiveness was not true, Tutu felt the Commission would "have had to shut up shop".

Boraine agrees that the concept of forgiveness is not a popular one, but needs to be followed as an approach to create hope in the world in order to deal with the past. Boraine quotes Donald Shriver's explanation of forgiveness: "Forgiveness in a political context ... is an act that joins moral truth, forbearance, empathy, and commitment to repair a fractured human relation. Such a combination calls for a collective turning from the past that neither ignores past evil nor excuses it, that neither overlooks justice nor reduces justice to revenge, that insists on the humanity of enemies even in their committing of dehumanising deeds and that values the justice that restores political community above the justice that destroys it."⁵²

An important factor that may lead to forgiveness is that the wrongdoer shows remorse and willingly apologises for the wrongs of his/her actions. For the process of forgiveness and healing to take place and to be successful, this acknowledgement by the wrongdoer is essential. True reconciliation therefore does not turn a blind eye to wrongdoing, but exposes the truth for what it is.⁵³

There is restorative power in forgiveness. Expressing forgiveness can help victims to unburden themselves of years of anger and hatred, which can be a transformative process in itself. Perpetrators also need the victims' forgiveness to assist them in reclaiming a sense of humanity.

It is common knowledge that forgiveness is seldom easy. It is a misconception to believe that making concessions is a sign of weakness - in fact, it is a sign of strength.⁵⁴ In the process of forgiving, the victim must eliminate any feelings of anger, bitterness or repressed resentment towards the wrongdoer, although the

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Wilson, p. 537. Tutu, pp. 219-20. **Ibid.**, p. 74. 50 51

Boraine, p. 439. Tutu, pp. 218-21. **Ibid.**, pp. 227-8.

victim may still demand punishment for the perpetrator. This is a process that must take place inside a person - a relinquishing of a sense of grievance and a desire for revenge.55

Forgiveness is not about forgetting. Memory is an important part of forgiveness, and remembrance forms part of the reconciliation process. By accepting responsibility and accountability for the memories of the past, one can use it to transform and change the future. Although there are memories, it is not a 'troubled preoccupation with the past', but a past where the wrongs remain in the past to assure a freer present and future.⁵⁶

Forgiveness cannot be demanded or imposed, or it may not be granted. However, conditions conducive to forgiveness can be created. Forgiveness is not cheap sentimentality, and a victim will not necessarily feel obligated to forgive if the perpetrator expresses feelings of genuine remorse. Tutu is very much aware of the fact that forgiveness is a 'risky undertaking', but he still emphasises that it is worthwhile, since "in the end there will be real healing from having dealt with the real situation".57

Even after a wrong has been confessed and forgiven this is still not the end of the process, since it forms part of a continuum. 58 National reconciliation and the impact of forgiveness can play a positive role in ensuring the peaceful co-existence of South Africans, but this can only happen over a period of time.⁵

Forgiveness involves more than reconciliation, although the latter does not necessarily imply forgiveness. Reconciliation involves the restoration of relationships between parties. However, it is still possible that, although forgiveness has been granted, there can be resentment or other obstacles standing in the way of reconciliation.⁶⁰ Forgiveness is not necessarily enough to give rise to reconciliation. The question can be asked: "People may be forgiven, but are they reconciled?"61

Wilson, p. 538; SM Finn, "Truth without reconciliation? The question of guilt and forgiveness in Simon Wiesenthal's **The sunflower** and Bernhard Schlink's **The reader**", **South African Journal of Philosophy** 20(3/4), 2001, p. 313; T Govier and W Verwoerd, "Forgiveness: The victim's prerogative", **South African Journal of Philosophy** 21(2), 2002, p. 99. DJ Louw, "Guilt and change - the healing power of forgiveness", **Scriptura** 59(4), 1996, pp. 384, 391-4; Govier and Verwoerd, p. 100; <a href="http://www.scu.edu/bannancenter/publications/explore/preparations/explore/publications/explore/publ

spring02/onforgiveness.cfm> (August 2004).
Tutu, p. 218.

Ibid., p. 221; Govier and Verwoerd, p. 98.
C Villa-Vicencio, "Now that the TRC is over: Looking back, reaching forward", Journal of Theology for Southern Africa, 105, November 1999, p. 53.

Louw, p. 384; Govier and Verwoerd, p. 101.

Christie, pp. 143-6; http://www.csvr.org.za/articles/artrcb&h.htm (August 2004).

According to the Oxford Paperback Dictionary, to reconcile is to: "1. restore friendship between (people) after an estrangement or quarrel. 2. induce (a person or oneself) to accept an unwelcome fact or situation; this reconciled him to living far from home. 3. bring (facts or statements etc.) into harmony and compatibility when they appear to conflict". Reconciliation is thus "the facing of unwelcome truths in order to harmonise incommensurable world views so that inevitable and continuing conflicts and differences stand at least within a single universe of comprehensibility".62

Reconciliation is a difficult process, and there are different views on how to go about it. In the final report of the TRC, it was confessed that "(m)uch has been made of the need to reconcile victims and perpetrators of gross human rights violations. However important this may be to individuals, the work and experience of the Commission has revealed how remote this ideal is..." 63 Yet, Tutu still regards reconciliation as the central message of faith. He believes that "God wants to show that there is life after conflict and repression - that because of forgiveness, there is a future."64

THE POSSIBILITY OF FORGIVING THE UNFORGIVABLE

Despite the emphasis placed on forgiveness, it must be clearly stated that forgiveness was not a requirement for the purpose of the TRC. Nothing in the legislation of the TRC required either forgiveness or repentance. Glanda Wildshut, one of the commissioners in the TRC, argued that "(f)orgiveness was not a prerequisite of reconciliation", while Dumisa Ntsebeza, the head of the Human Rights Investigation section of the TRC, underlined this in a similar way, arguing that the Commission's work was not about forgiveness.⁶⁵ Boraine defends this vision by claiming that "it was not the intention of the Commission to demand forgiveness, to pressurise people to forgive, but to create an opportunity where this could take place for those who were able and ready to do so".66 These statements indicate that the TRC merely created the space for forgiveness to take place, but never intended to demand any forgiveness.

Nevertheless, it seems that tremendous pressure was exerted on victims to forgive their assailants. This elicited criticism, particularly against Archbishop Tutu. At the

Asmal, p. 46; P Meiring, Chronicle of the Truth Commission. A journey through the past and present - into the future of South Africa (Vanderbijlpark, 1999), pp. 376-7.

Truth and Reconciliation Commission of South Africa Report, Vol. 5 (Cape Town, 1998), 63

p. 442. Graybill, p. 26; Tutu, p. 230.

Christie, p. 165. Boraine, p. 356.

end of their testimony during the early Human Rights Violations hearings, victims were routinely asked whether or not they had forgiven the wrongdoer(s). This practice was later abandoned. Nevertheless, given the context of these hearings, including the amnesty hearings, the Commissioners placed great emphasis on forgiveness and reconciliation, creating the impression that it was hoped for.⁶⁷ Graybill quotes Richard Wilson, who commented on this situation: "Commissioners never missed an opportunity to praise witnesses who did not express any desire for revenge ... the hearings were structured in such a way that any expression of a desire for revenge would seem out of place. Virtues of forgiveness and reconciliation were so loudly and roundly applauded that emotions of revenge, hatred and bitterness were rendered unacceptable, an ugly intrusion on a peaceful, healing process." ⁶⁸ Apart from this, some people did feel pressurised to forgive. As one woman complained: "What really makes me angry about the TRC and Tutu is that they are putting pressure on us to forgive. For most black South Africans the TRC is about us having to forgive ... I don't know if I will ever be ready to forgive. I carry this ball of anger inside me ... what makes me even more angry is that they are trying to dictate my forgiveness."69

Much has been made of the fact that there was no requirement for remorse in order to obtain amnesty in the TRC legislation. In a court case, remorse would have been taken into consideration in sentencing. Some critics argue that it would have been better if amnesty applicants were required to show repentance. True apologies were rare during the amnesty hearings, particularly on the part of the leadership, and a newspaper headline at the time reflected this as follows: "Ag, we're sort of sorry." 70 Tutu defends the fact that the legislature had no requirement for remorse in order to obtain amnesty by explaining that "if there had been such a requirement, an applicant who made a big fuss about being sorry and repentant would probably have been judged to be insincere, and someone whose manner was formal and abrupt would have been accused of being callous and uncaring and not really repentant. It would have been a no-win situation."⁷¹

Despite the fact that the showing of remorse was not a prerequisite for granting amnesty to a perpetrator, one of the outcomes of the TRC was the empathy that developed between victims and perpetrators. The stories were made even more remarkable by the extraordinary capacity and willingness on the part of some victims to forgive perpetrators and, according to Tutu, it was "merciful and

⁶⁷ Wilson, pp. 547-8; Graybill, p. 107. 68

Ibid., pp. 49-50. Verwoerd, p. 305

Graybill, pp.73-4; Christie, pp. 152, 155. Tutu, p. 48.

wonderful" and he "marvelled at their magnanimity", as he listened to the stories of victims who had suffered so much and still had no "lust for revenge".

The following are only a few examples of victims and perpetrators who personified forgiveness during their testimonies:

- Beth Savage one of several victims of a grenade attack on the King William's Town Golf Club in 1992. Armed members of the Azanian People's Liberation Army (APLA - armed wing of the PAC), stormed the Golf Club, opened fire, and hurled hand grenades into the clubhouse. This lady had to undergo months of medical treatment and is still carrying shrapnel in her body. According to her, the experience has enriched her life: "All in all, what I must say, is through the trauma of it all, I honestly feel richer. I think it's been a really enriching experience for me and a growing curve, and I think it's given me the ability to relate to other people who may be going through trauma." She ended her testimony with these words: "I would like to meet the man who killed my friends and injured me. I would like to meet that man who threw that grenade in an attitude of forgiveness and hope that he could forgive me too, for whatever reason." Her wish was fulfilled at the amnesty hearing of Thembelani Xundu, the former APLA commander responsible for her injuries. She told the press afterwards that she no longer had nightmares about the attack.⁷³ This attitude left many quite speechless, and Alex Boraine honoured this lady for having "acknowledged the responsibility of the beneficiaries of apartheid for some of the horror and tragedy of the conflict which had raged in South Africa. Her willingness to forgive and her brave testimony were a rebuke to many white South Africans and political leaders."74
- In July 1993, APLA soldiers opened fire on 400 worshippers at St. James Church in Kenilworth, Cape Town. Eleven people were killed and more than 50 wounded. One of the three perpetrators involved in the attack on the St. James Church said during the amnesty hearing: "We are sorry for what we have done. It was the situation in South Africa ... We are asking from you, please forgive us. All we did, we can see the effects today." The other two applicants also apologised. One of the men whose wife was killed in the attack, Dawie Ackerman, responded to their plea for forgiveness: "I want you to know that I

Boraine, pp. 104-5.

Graybill, p. 43.

Truth and Reconciliation Commission of South Africa Report, Vol. 5 (Cape Town, 1998), pp. 373-4; Boraine, pp. 104-5; Graybill, p. 43; Tutu, pp. 112-3; Krog, pp. 80-1; Meiring, pp. 26-8; South Africa's human spirit. An oral memoir of the truth and reconciliation commission, CD 1 no. 6: "Bones of memory: experiences and memories lay bare the pain and bravery of apartheid's victims" (Cape Town, 1999).

forgive you unconditionally. ... but I cannot forgive you the \sin that you have done. Only God can forgive you for that."⁷⁵

- * Neville Clarence, a former South African Air Force captain, was left totally blind when a massive car bomb exploded in front of the South African Air Force headquarters in Church Street, Pretoria, on 20 May 1983. It was an attack by Umkhonto We Sizwe (MK)⁷⁶, which killed 21 people and injured 219. Aboobaker Ismail, the leader in charge of the operation, told the Amnesty Committee he regretted what had happened. When these two men approached each other at the amnesty hearing, Ismail apologised to Clarence. The latter reacted by speaking the following words: "I forgive you for what you have done. ... I want you to know I harbour no thoughts of revenge." The two shook hands and agreed to meet again. Clarence, who declared that he held no grudges or felt any bitterness, later said: "It was as if we did not want to let go of each other as we shook hands."
- * Amy Biehl, the American Fulbright scholar from California who was studying at the University of the Western Cape, was stoned and stabbed to death in Guguletu township, near Cape Town, on 25 August 1993 by members of the Pan-Africanist Students' Organisation (PASO the student wing of the PAC). Her parents, Peter and Linda Biehl, attended the amnesty application hearing. They supported the process of amnesty and reconciliation, and the mother explained her ability to forgive: "I don't think I have anything to forgive. I never truly felt hatred."
- * Johan Smit told the TRC about the killing of his eight-year-old son, Cornio, in 1985 by a bomb planted by an ANC supporter at a shopping centre in Amanzimtoti, KwaZulu-Natal. He met the parents of the boy who had planted the bomb. At the hearing he testified to the Commission: "It was a great relief seeing them and expressing my feelings ... that I felt glad that I could tell them that I felt no hatred for them and no grudges. And there was no hatred in my heart." 19

Truth and Reconciliation Commission of South Africa Report, Vol. 5 (Cape Town, 1998), pp. 392-3; Graybill, p. 45; Boraine, p. 355; Tutu, p. 120; Meiring, pp. 339-40; South Africa's human spirit..., CD 3.

Graybill, pp. 43-4; **South Africa's human spirit. An oral memoir of the truth and reconciliation commission**, CD 3 Disc 1 no. 7: "Worlds of license: self-confessed violators of human rights from across South Africa's political landscape" (Cape Town, 1999).

Military wing of the African National Congress.

spirit..., CD 3.
Graybill, pp. 45-6; Tutu, pp. 118-9; Meiring, pp. 130-1.
Truth and Reconciliation Commission of South Africa Report, Vol. 5 (Cape Town, 1998), pp. 376-8; Boraine, p, 354; Graybill, p. 46; Tutu, p. 118.

The Bisho massacre occurred in September 1992. Bisho, in the Eastern Cape, was the capital of the 'independent' homeland of Ciskei, ruled by Brigadier Oupa Gqozo. At the Bisho massacre hearing, Colonel Horst Schobesberger, former Chief of Staff of the Ciskei Defence Force, confirmed that it was true that orders had been given to open fire. He turned to the audience, making an appeal: "I say we are sorry. I say the burden of the Bisho massacre will be on our soldiers for the rest of our lives. We cannot wish it away - it happened - but please I ask ... the victims not to forget - I cannot ask this - but to forgive us, to get the soldiers back into the community, to accept them fully, to try to understand also the pressure they were under then. This is all I can do." The entire audience burst into thunderous applause.⁸⁰

- Krish Rabilall died in Mozambique in the 1981 Matola cross-border raid. His brother, Nundlal, gave testimony at the East London human rights violations hearing. For him the realisation came that "hate is a boomerang that circles back and hurts you ... we have the right to fight injustice without hating the personalities or circumstances involved and, to taste the sweetness of life, one must have the power to forget the past." 81
- James Wheeler and Corrie Pyper applied for amnesty for the killing of Vuyani Papuyana. In an effort to stop the 1994 elections, they had decided to kill blacks. During the hearing, Wheeler turned to Papuyana's family, saying: "Can you forgive me? ... I hope that in the future, through my actions, I can contribute towards reconciling white and black people who still bear animosity to one another." Four years earlier, Pyper had asked the family for forgiveness. Nelson Papuyana sheds more light on their meeting: "The meeting helped me to overcome my emotional problems. Before the meeting, I was convinced that I would never be able to forgive my son's murderer. In my wildest dreams I did not think that the meeting would become a situation where I would be the one trying to comfort the murderer and his wife. Mrs. Pyper was crying so much that she could not really talk. Mr. Wheeler told me what had happened that night. ... He repeatedly said that it had been an extremely mindless deed and that he was very sorry." Piet Meiring's comment on this situation was: "A strange, wonderful country, ours - I thought - where the father of the murdered son embraces the perpetrator, the murderer, and his wife to comfort them."82

Truth and Reconciliation Commission of South Africa Report, Vol. 5 (Cape Town, 1998),

p. 382; Boraine, pp. 354-5; Tutu, pp. 116-7; Meiring, p. 88. **Truth and Reconciliation Commission of South Africa Report**, Vol. 5 (Cape Town, 1998), pp.

Graybill, p. 47. Piet Meiring served on the Truth and Reconciliation Commission.

There were also those who could not forgive. Many who appeared before the Commission found it impossible to forgive. In spite of Tutu's words about the "mercy and generosity and forgiveness God planted in people's hearts", there were still those who felt that "unless justice is done, it is difficult for any person to think of forgiving".⁸³

Even though Eric Taylor, who had been involved in the killing of the so-called Cradock Four, apologised to the families and asked for forgiveness, ⁸⁴ the widow of Fort Calata (one of the four activists) rejected it, saying: "You have teased our grief for nearly twelve years, and you think you can reconcile in fifteen minutes?" Forgiveness was also problematic for the son of Fabian and Florence Ribeiro. His parents were gunned down outside their home in December 1986. Chris Ribeiro criticised amnesty, and stated: "If the killers are not going to face the music, then I am not interested in the Truth and Reconciliation Commission." ⁸⁵

Another example concerns the families of the victims of the Heidelberg Tavern shooting, in the Cape Town suburb of Observatory. On the second-last day of 1993, just before midnight, six APLA cadres entered the Tavern and opened fire, killing four people and wounding several others. According to Krog, most of the survivors and the victims' families, apart from Jeanette Fourie, whose daughter Lyndi had been killed, were "ablaze with anger and neglect". Roland Palm, a brown man whose daughter died in the attack, told the amnesty applicants: "I cannot begin to describe the rage I feel and have felt for the past years ... You say you did so to liberate Azania. I say to you [that] you did it for your own selfish and criminal purposes." This demonstrated for Tutu the important point that "forgiveness could not be taken for granted; it was neither cheap nor easy. As it happens, these were the exceptions." 86

Psychologists will argue that anger is crucial in the progress towards healing. In the process of reconciliation, there must also be room for emotions such as anger, sorrow, a desire for revenge, rage and trauma. The ideal was that the TRC would offer the opportunity and space for the expression of all types of emotions that need to be worked through when dealing with wounds of the past, so that they may eventually be healed. However, forced forgiveness can also be destructive.

One may also wonder about the sincerity of all the apologies made by the perpetrators, and whether the pleas for forgiveness were perhaps no more than lip-service.

See Meiring, pp. 123-6 for an outlay of events where for giveness from victims did occur towards Taylor.

⁸³ Graybill, pp. 48-9.

⁸⁵ Graybill, pp. 48-9. Tutu, pp. 76; 219.

Paul van Vuuren, a security officer who had murdered the parents of a five-year-old boy named Tshidiso, told the boy, then fourteen: "I owe you nothing." On being asked outside the hearing by Captain Jacques Hector, a security policeman, whether he really felt sorry about what he had done, he replied: "Ach, I'm not f... sorry for what I did. Look - I fought for my country, I believed in what I did, and I did a good job. ... And I'd do it again if the circumstances called for it. No, man. I'm not really f... sorry for what I did."87 It is thus clear that the process of forgiveness, requested by perpetrators and given by victims, did not occur universally.

CONCLUSION

After 140 hearings in 61 towns, 22 000 victim statements covering 37 000 violations, over 7000 amnesty applications by perpetrators and 18 months that became six years (President Thabo Mbeki issued a proclamation effectively dissolving the TRC on 31 December 2001), and a cost of 200 million rand (the most expensive truth commission in history), the TRC came to an end. By most accounts, it was a remarkable process that can also be used by other countries moving away from divided pasts towards a more democratic transition.⁸⁸

At the end of the activities of the Commission, Antije Krog asked in her book Country of my skull: "Truth has taken so much hurt; survival has found so little left. Where do we go from here?"89 The focus is now on building the new democratic future, away from a deeply divided society towards a more peaceful coexistence. But when one considers how apartheid separated people and left behind a legacy of many damaged people, this might appear almost impossible at first glance.

Societies have historically found it very easy to plead ignorance, but very hard to really acknowledge their past and accept responsibility for it. At least the TRC initiated a process during which people acknowledge the past and develop a shared memory by remembering it, which can lead to a transformation in attitudes. A former prisoner of the Communist regime in his native Poland speaks thoughtfully about transformed attitudes: "I am negotiating because I have chosen the logic of peace and abandoned the logic of war. This means my enemy of yesterday must become my partner and we will both live in a common state. He may still be my opponent, but he is an opponent within peace, not within war." 90

⁸⁷ Graybill, pp. 51-2. **Ibid**., p. 8.

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Krog, p. 286. Boraine, p. 377.

Still the question remains - can the nation speak in meaningful terms of a healing and reconciliation process that did occur? Many people believe that the TRC process did not achieve reconciliation, but rather damaged relationships between the races. Surveys have found that people are now even further apart than before. Against the background of the criticism against Desmond Tutu, who made forgiveness 'a matter of patriotic duty', and the deep divisions that still exist between different groups, one wonders whether the outward public display of forgiveness had more to do with the presence of Tutu and the persona of Mandela than with the real, genuine attitude of victims.

Perhaps it is still too early to fully assess the TRC's contribution to reconciliation. It must be remembered that the TRC never claimed to be able to achieve reconciliation in the country, and was never expected to do so. Its role was more to promote reconciliation, and in this sense the process made a valuable contribution. Placing too much hope in the TRC to achieve the process of reconciliation is inappropriate and misplaced. Boraine emphasises this, and explains that "the process of reconciliation had begun before the establishment of the TRC, and that its job was to encourage the continuation, development and promotion of that reconciliation within every area of society". 92

It makes sense that a single commission with limited resources and functioning over a limited period cannot achieve reconciliation. "There is no quick fix for the healing of a nation ... The healing of a nation cannot be achieved merely by holding a conference or several conferences. Nor can genuine relief be obtained ... through the appointment of a Truth and Reconciliation Commission Discussion, debate, analysis and the recording of the truth can be a significant part of the healing process, but only that. Much more will need to take place over many years..." ⁹³

Dr Sean Kaliski, Valkenberg psychiatrist, emphasises this further: "People thought the Truth Commission would be this quick fix That we would go through the process and fling our arms around each other and be blood brothers for ever more. And that is nonsense - absolute nonsense. The TRC is where the reality of this country is hitting home, and hitting home very hard. And that is good. But there will be no grand release - every individual will have to devise his or her own personal method of coming to terms with what has happened ... to come to terms

Boraine, pp. 345-7. **Ibid.**, pp. 43-4.

Krog, pp. 291-2; Graybill, p. 171; E Stanley, "Evaluating the Truth and Reconciliation Commission", Journal of Modern African Studies 39 (3), 2001, pp. 542-3.

OELOFSE JOERNAAL/JOURNAL

with the past in one's own personal way. If you live in this country, if you want your children to have a future, you will have to devise a method for yourself."

Truth alone is never enough to guarantee reconciliation, and reconciliation will not necessarily follow where the truth has been exposed. The TRC made the formation of new relationships possible, but this must be repeated many times before it will become a lasting process. It is therefore important that the work of the Commission, which initiated a process of forgiveness, healing and reconciliation, must be continued by more people, including society at large and the state, and with greater resources and more time, so that it can eventually lead to closure. 95 Still more needs to be done in the pursuit of a human rights culture in South Africa.

This shift of responsibility away from the TRC to the rest of this so-called 'rainbow nation' is a long-term, cathartic process, which will run its course in the new South Africa over a period of many years, for the wounds are too deep to be "trivialised by imagining that a single initiative can on its own bring about a peaceful, stable, and restored society". 96 This is a long-term project that requires time and patience.

Without realistic expectations for reconciliation within attainable time frames, as well as a realisation of the need to attend to economic justice, the process of reconciliation cannot be successful.⁹⁷ The TRC has laid the fertile ground for forgiveness and unlocked the greater possibilities of reconciliation. The country has already progressed on the road to restoring the human spirit. Still more needs to be done. In the years to come, the nation can continue to build on this process with the necessary caution and respect.

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Krog, pp. 129; 163.

Ibid., p. 292; Boraine, p. 128.
Graybill, p. 177; Christie, p. 143.
Sunday Independent, 8 June 2003, p. 9; W van Heerden, "Truth' is a double-edged (s)word on truth and the destruction or restoration of relationships", **Religion and Theology** 6(3), 1999,