

**FORGIVENESS, RECONCILIATION, AND POLITICS:  
THE TRUTH AND RECONCILIATION COMMISSION (TRC) REVISITED**

by

**KHWEZILOKUSA EARL MOHOANG**

**2011069990**

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**Supervisor:** Rev. Martin Laubscher

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## **DECLARATION: STUDENT**

I hereby declare that the dissertation hereby submitted by me, Mr Khwezilokusa Earl Mohoang, for the master's degree qualification (Governance and Political Transformation) at the University of the Free State, is my own independent work and has not previously been submitted by me at another university/faculty. I further cede copyright of the dissertation in favour of the University of the Free State.

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**REV. MARTIN LAUBSCHER**

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**Date**

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I have come to realise that the process of research and writing is one that can at times be physically and mentally exhausting. I found myself many times breaking down at the difficulty of putting words to paper in a manner that seeks to address the problem and give my voice and argument to the paper.

In conclusion, it is important to note that research and writing is a collective process, so once more, to all those who played a role, no matter how, this dissertation would not have been possible without everyone playing their special part.

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## **ABSTRACT**

This study on forgiveness, reconciliation, and politics aims to revisit the Truth and Reconciliation Commission (TRC) in order to understand how it dealt with and comprehended the concepts of forgiveness and reconciliation. This is in an effort to understand why South Africa still faces social issues of expanding poverty, violence, crime, low human capital, and human rights violations. It examines the recommendations the Commission had given, and what is to be made of them today. Using a hermeneutical approach as a methodological tool, the study briefly reflects on the history of oppression in South Africa, the 1960 Sharpeville massacre, the tensions of the 1980s and the early 1990s, and the establishment of the TRC. This reflection helps to understand the context in which the Commission found itself, as well as to better understand the thought processes captured in the various criticisms against and interpretations of the TRC. The study then reflects on the reports given by the Commission in order to look through the Commission's eyes. Lastly, the study examines the recommendations made by the Commission, and with consideration of transformation as a change strategy, looks at what still needs to be done to continue the reconciliatory process.

### **Keywords:**

Forgiveness; reconciliation; politics; Truth and Reconciliation Commission; TRC; government; apartheid; recommendations; TRC final report; Promotions Act; South Africa; hermeneutics; transformation

## **ABBREVIATIONS**

ANC:	African National Congress
ARNSA:	Anti-Racism Network in South Africa
CODESA:	Convention for a Democratic South Africa
DRC:	Dutch Reformed Church
IFP:	Inkatha Freedom Party
NGO:	Non-governmental Organisation
NP:	National Party
PAC:	Pan Africanist Congress
SABC:	South African Broadcasting Corporation
SACP:	South African Communist Party
SADF:	South African Defence Force
TRC:	Truth and Reconciliation Commission

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# Chapter One

## THE NATURE AND SCOPE OF THE STUDY: THE PROCESS

### 1.1 Introduction

“Forgiveness, Reconciliation, and Politics: The Truth and Reconciliation Commission (TRC) Revisited” is a study which takes us back to the years of the TRC in order to understand the current social issues faced by South Africa.

These social issues speak to constant service delivery marches, racial tensions, campaigns such as the recent #FeesMustFall campaign, which is an outcry from tertiary students regarding high and unaffordable education fees, the poverty in various communities, and the high levels of crime and unemployment.

All of the abovementioned had been present before the rule of the new democratic government. Thus, these issues, although some progress had been made to remedy them, are a result of South Africa’s history and the legacy of apartheid.

South Africa, like any other African country that underwent processes of colonialism, was impacted and affected by racism and various kinds of oppression, which saw the disenfranchisement and segregation of natives as the colonists sought to impose their white supremacy and rule over the land once occupied by the natives. However, the South African story became one which saw more laws being promulgated in order to serve the philosophy which resonated in Afrikaner nationalism and its white supremacy. As a result, this led to separate development categorised under the four main racial groups, namely blacks, whites, coloureds, and Indians. This regime was known as apartheid; directly translated as “the state of being apart”. Its impact was seen in politics, the business sector, the health and judicial system, agriculture, security forces, and other social and

governmental institutions. This regime acted extremely harshly towards the black population.

The 1994 democratic election brought with it a new government and a regime change. This followed the Convention for a Democratic South Africa (CODESA), held in Kempton Park the 21<sup>st</sup> December 1991, to negotiate the future of the country. The Truth and Reconciliation Commission (TRC) was established shortly after the 1994 elections. It was to be an instrument to help foster the negotiated compromise reached at Kempton Park that would help processes of dealing with the past atrocities and realising national unity and reconciliation.

This study examines in particular the Commission and its use of the concepts of forgiveness and reconciliation. This is to understand how it comprehended these concepts and how the Commission used them to suggest recommendations which would help the new government tackle the deep societal issues left behind by the previous regime.

By using hermeneutics as a qualitative methodological tool, this study explores four tasks, themed under each respective chapter, namely the descriptive task, the interpretative task, the normative task, and, lastly, the pragmatic task.

The first task depicts South African history, thus the context the TRC ultimately found itself in. The second task examines the various interpretations regarding the concepts to be explored, namely forgiveness, reconciliation, and politics. These interpretations are to help build a knowledge base which will directly help with understanding the following chapter, namely the work done by the TRC. The normative task deals with what “ought to happen”. This reflects on the work of the TRC and how it dealt with the concepts and how the TRC interpreted what ought to have happened. The final chapter thus looks at the pragmatic approach to the work of the TRC; that is, its conclusions and the recommendations given regarding the reconciliatory processes. It therefore concludes the study and reflects on the recommendations made by the Commission, and briefly discusses processes of transformation, and where, as a society, South Africa finds itself in terms of forgiveness and reconciliation.

## **1.2 Research problem**

The persistent social issues discussed in the introduction have brought an unsettling reality to the state of the country. These issues have even seen initiatives from non-governmental organisations (NGOs) in an effort to address them. One such intervention was the establishment of the Anti-Racism Network in South Africa (ARNSA) – an alliance between the Nelson Mandela Foundation and the Ahmed Kathrada Foundation – to facilitate the response to racism (ARNSA 2016).

Although the work of this network is too new for its impact to be measured, it highlights a growing concern to re-establish the principle of a non-racial society, which was prominent during the inception of the democratic regime.

The need to reflect back thus helps to understand how the government sought to deal with these issues, what might have been left behind, and what still needs to be done; with particular attention to the work of the TRC, and dealing with the concepts of forgiveness and reconciliation.

This assessment is an effort to understand why, after more than two decades into democracy, some of these issues are becoming more prominent, instead of subsiding.

This study thus seeks to understand what the TRC meant by forgiveness, what it meant by and understood by the concept of reconciliation, and where does the current society find itself in terms of these concepts.

## **1.3 Research methodology**

Kothari (2004:8) stated that a research methodology may be seen as the science of studying how research is conducted scientifically. It is a way to systematically solve a research problem. Thus, in this section, a discussion is provided of the methodology which was adopted for this study.

### **1.3.1 Theoretical basis of the study**

For this study, a hermeneutical approach was chosen to help interpret the text to be reviewed of the Commission's work. Hermeneutics is a qualitative approach which helps to explore "how we read, understand, and handle texts". This is a definition given by Thiselton (2009:1) in explaining that it helps us understand text, especially those written in another time or in a context of life different from our own. Sharkey (2001 cited in Kafle 2011:192) explained that it challenges the researcher to reflect deeply on what the text of the field has to say. The researcher is thus called to play with the texts and "to get lost in deep conversations with them". Kafle (2011:192) mentioned that the goal of this type of research is not to clone the text, but to rather invite readers to enter the world that the text would disclose and open in front of them.

### **1.3.2 Issues of reliability and validity**

Coetzee (2016:42) declared that the product of research is knowledge, and that even though the researcher has conceptualised and operationalised the research, he/she still has not applied criteria to measure the validity of the research. Coetzee (2016:42) further stated that this kind of knowledge generated by the process of scientific research aims to be accurate, reliable, and valid.

In terms of accuracy, the researcher does not only air opinions or make wild assumptions, but rather offers facts and evidence, and also incorporates what Coetzee (2016:43) referred to as a step-by-step analysis of statements, opinions, and views, and the submission of logically argued opinions, which are substantiated with examples and corroborated with corresponding evidence submitted by other researchers.

To ensure accuracy, this study captured various pieces of information from sources in a manner that best encapsulates the original authors' views and interpretations. Pierce (2008:85) observed that accuracy is sensitive to change, especially to detail. This, for example, refers to dates, numbers, and the persons present.

A reflection on reliability expresses that it is the extent to which one can rely on the source of the data and, therefore, the data itself (Pierce 2008:83). This therefore makes reliable

data dependable, unfailing, sure, authentic, genuine, and reputable. Pierce (2008:83) wrote that such consistency is the main measure of reliability.

Validity, on the other hand, means truthful or trustworthy. Thus valid data reflect the meaning of what the researcher observed, and a valid measure actually measures what it claims to measure. One can end up with a measure which is reliable but not valid. However, something cannot be inaccurate or unreliable and still claim to be valid (Coetzee 2016:45). The validity of information refers to its relevance and appropriateness to the research question and the directness and the strength of its association with the concepts under scrutiny (Pierce 2008:83).

### **1.3.3 Data analysis and interpretation**

The use of hermeneutics in this study to analyse the literature seeks to better understand, hermeneutically, the perspective of the TRC. This will be done by establishing the four tasks, which briefly reflect on the history of South Africa, the conditions the TRC found itself in, the interpretations of various authors, the work of the TRC and its recommendations, and conclusions regarding the concepts of forgiveness and reconciliation.

In combination with Babbie and Mouton's (2001:53) analysis of a qualitative approach, the attempt is to study human action from the insider's perspective; they also referred to this as the "emic" perspective. The aim of this sort of research is defined as describing and understanding (*Verstehen*), rather than that which seeks to explain and predict human behaviour (Babbie & Mouton 2001:53).

### **1.3.4 Reflexivity**

Mruck and Franz (2003:4) posed the question of the necessity to talk about ourselves. They asked whether talking about ourselves and our presuppositions, choices, experiences, and actions during the research process in a sufficiently precise way helps others to follow what we mean and do. They then declared the need for this reflection by explaining that the outcomes of a research process are regarded as "characteristics of

objects”, as “existing realities”, despite their constructed nature that originates in the various choices and decisions taken by a researcher during the process of research.

To acknowledge Mruck and Franz (2003), I therefore state to the reader that I am an African male scholar, born and bred in Bloemfontein, a city in the Free State province, South Africa. I am currently majoring in Governance and Political Transformation in order to conduct studies which seek to provide answers to the various social issues existing due to governance or political agendas.

Lastly, Mruck and Franz (2003) admitted that talking about oneself may appear indecent and self-aggrandising, unless one belongs to a science studies discipline. Additionally, the messenger may be called to account for the message; the message being that (social) sciences are inherently structured by historical, local, social, and personal characteristics of those involved in them.

### **1.3.5 Ethical considerations**

Ethics is typically associated with morality, as it deals with both matters of right and wrong (Babbie & Mouton 2001:520). Because of this, it poses the question of how does one determine what is wrong or right? For individuals this may vary, as these may be determined by religious or political ideologies, or the pragmatic observation of what seems to work and what does not.

Babbie and Mouton (2001:520) suggested that because different groups have agreed on different codes of conduct, it is important to determine the particular society in question. This calls for the researcher to know what the society considers ethical and unethical. They further added that it is important for a researcher to be aware of the general agreements between researchers on what is proper and improper in the conduct of the scientific inquiry. These ethical codes/guidelines are structured in a manner that is viewed as sets of responsibilities to different sectors of societies or communities.

For this study, four of these codes and guidelines have been noted as applicable and thus highlighted for this study. However, this does in no way reject other codes which might not have been stated here.

The first code deals with the responsibility to those being studied (the subjects, which may be humans, animals, individuals, groups, or communities). This requires the research to account to them. Secondly is the responsibility to scholarship and science (these are the colleagues within the discipline or profession). The third responsibility is to the public (the greater society), and lastly, to the funders or the research commissioners.

An obligation to the public compels researchers to report findings as factually and as accurately as possible.

#### **1.4 Objectives of the study**

The following are the primary objectives of the study and are the main themes of the respective chapters which follow:

- *Describe* (“empirically”, inductive approach from literature study) the brief history of South Africa up to the establishment of the TRC. This will be followed by a discussion regarding the definition of the key concepts, namely forgiveness, reconciliation, and politics.
- *Interpret* (hermeneutically) the key concepts and discuss the various interpretations and understanding of these concepts.
- *Discern* (normatively) what the TRC stated ought to happen in dealing with the issues of these concepts, and what they mean for the future.
- *Propose* (pragmatically) by reflecting on the recommendations given by the TRC, and in terms of a transforming society, what the concepts of forgiveness and reconciliation mean for the current society (Osmer 2008).

The secondary objectives of this study seek to answer the following questions:

- How did the Commission perceive forgiveness, and what was it intended for?
- What was the TRC’s understanding and use of the term “reconciliation”?



- Did the “promised” reconciliation bring with it any changes to the lives of those who were willing to “forgive” in the times of the TRC?
- What recommendations did the Commission make?
- Did South Africa, as a society, fail to learn and apply what the TRC had taught?
- What is South Africa to make now of these concepts of forgiveness and reconciliation in terms of the current social issues it faces?

### **1.5 Benefits of the study to the various communities**

The study will help to expand knowledge in the academic community as researchers may reflect and use it as knowledge in reflecting on South Africa’s history in attempting to better understand the concepts of forgiveness, reconciliation, and the processes of the TRC.

It will also be useful to the faith community and the government (and professional bodies involved) by highlighting the various definitions and understandings that exist in the concepts of forgiveness and reconciliation. This will be helpful in operationalising these concepts, through policies, programmes, and sermons that are meant to bring change to societies.

The study will also contribute to civil society as it will shed light on the notion of forgiveness and reconciliation. It will thus evoke dialogue regarding the current social discourses, which will be enriched with new information that might have been previously neglected.

### **1.6 Summary and conclusion**

This chapter outlined the purpose of the study, the research problem, and the methodology to be used. Chapter One thus concludes the manner in which the study will be conducted, and makes way for Chapter Two in order for it to deepen the discussion regarding the history of South Africa, the establishment of the TRC, and the definitions given for the key concepts of forgiveness, reconciliation, and politics. This will thus set the tone for the context in which the TRC found itself.

## Chapter Two

### THE DESCRIPTIVE TASK: REVISITING THE TRC

#### 2.1 Introduction

The descriptive task gives the overall picture of the context in which the Commission found itself. This begins with the history of oppression towards the natives, and what transpired throughout the various decades that finally saw the establishment of the TRC as we know it.

Revisiting the years of the TRC enables a broader understanding of the circumstances that had resulted in the shape it took, its form, and the manner in which it dealt with the concepts of forgiveness and reconciliation. This deepened understanding around the context of the Commission, and assists in making sense of the interpretations to follow in Chapter Three.

This chapter thus gives a brief background of the events that led to the establishment of the TRC. This will be done by particularly paying attention to the time period covered by the Commission, namely 1960 to 1994.

Lastly, the chapter will discuss the various definitions of the key concepts.

#### 2.2 The genesis of oppression

The history and story of the oppression of natives in South Africa is one which dates back more than three centuries. As written by Allan and Allan (2000), the abuse was not only of a violent nature, but one which also included violations of non-entities. This refers to the measures which were taken to prevent natives from exercising their basic human rights.

From the beginning, the natives resisted oppression, ultimately leading to opposition being well organised in the beginning of the 20<sup>th</sup> century. This saw the founding of political and social movements such as the African National Congress (ANC).

When apartheid became law, liberation movements began to intensify their opposition and militancy towards the government. The majority of this opposition came from the black nationalist movements, which consisted of a number of organisations that differed on ideological grounds (Allan & Allan 2000:465). The most prominent of these organisations were the ANC and the Pan Africanist Congress (PAC).

These organisations were later banned, thus resulting in them operating underground, and consequently leading to an increase of violent methods in their opposition (Allan & Allan 2000:466). Allan and Allan (2000:466) referred to this stance as one of an “undeclared war”, from both government and the opposition, as in those times public places were bombed, people kidnapped, and violence and torture reigned on the streets.

However, not only did this violence occur and was not only aimed at enemies, it was also used as a tool to discipline members and non-members of these organisations. Allan and Allan (2000:466) pointed out that the ANC was particularly accused of detaining and abusing individuals. This especially stood out from the mid-1980s when violence in black communities began to escalate and was responsible for a large number of political killings.

All would be covered by the work of the TRC, as it understood that the South African history was not merely one of violence between whites and blacks, but also between whites and whites, blacks and blacks, and between men, women, and children.

### **2.3 From Sharpeville (1960)**

The 21<sup>st</sup> of March 1960 saw the killing of 69 non-violent protestors, and more than 180 injured as the police opened fire on a crowd that had gathered in front of the Sharpeville police station (SAHO 2016).

A recollection of the day reports that after the shooting had ceased, the police constructed in front of the station two formidable pyramids of sticks, clubs, bottles, knives, iron pipes, assegais, pangas, needle swords, and all sorts of other weapons (Lodge 2011:163). Lodge (2011:163) indicated that the photographs of the alarming display later appeared in newspapers. These were meant to obscure the facts of what really occurred on that day and as captured in the testimonies, according to one eyewitness, this fabrication of evidence even saw “police officers putting knives and stones into dead people’s hands to make it look like they had been armed and violent” (Lodge 2011:163). The day once more illustrated the brutality of the apartheid system, and consequently, the “anti-apartheid” slogan soon took a global precedence.

The slogan was most apparent in the United Kingdom, as opposition to apartheid would develop into “Britain’s biggest-ever international solidarity movement” (Lodge 2011:234). However, Lodge (2011:234) questioned the significance of Sharpeville (1960) as being the sole reason for this global action taking place. He believed that the global solidarity may have happened anyway even if the police had not fired their guns at Sharpeville protesters. His argument is that the country had already been experiencing massacres prior to the 21<sup>st</sup> of March 1960. Thus global solidarity would have taken place regardless of the day’s events.

With the 1980s came more violence and difficult years (Meiring 2009:102). Tensions in black communities reached boiling point at times. The media reported violence and broadcasted the various flare-ups in townships and city centres. These also saw the apartheid government’s violent approach and manner in cracking down on activists and community leaders.

As the situation intensified, the then president, P.W. Botha, declared a state of emergency on 12 June 1986. Troops were sent in to contain the unrest. This led to crackdowns on dissidents being more swift and severe (Meiring 2009:102).

Maluleke (1997:65) was convinced that the Commission’s starting date of 1960 was very late in the genealogy of oppression and dispossession of black people, as this disregards the effects that were felt prior to this date, such as that of the infamous 1913 Natives Land

Act that ensured that the white minority owned 87% of the land and that the black majority shared only a paltry 13% of the land. However, it was this chosen period which the TRC was legislated to work with in painting the picture of the past and finding means to a united and reconciled society.

## **2.4 The dawn of a democratic country**

With the coming of the 1990s, a wind of change and hope saw the possibility of a democratic and free country becoming apparent. This was followed by the release of political prisoners, which included the soon-to-be president, Nelson Mandela.

Maluleke (2001) stated that the 1990s brought a situation in South Africa in which the “white state” was no longer able to suppress mass popular protest. This was also accompanied by intensified international outrage and economic sanctions which further served to help delegitimise the apartheid government. He did, however, state that the black population, with all their unrest, did not have the capacity to dismiss the apartheid regime and wrest political and economic power from it. Thus the situation was one of a stalemate. Talks between the ANC and the ruling government would soon begin.

In one of these meetings, Nelson Mandela told the government that he was aware that should the situation go to the battlefield, his people did not have adequate resources. However, he pointed to the National Party (NP)-led government that it would be “a long and bitter struggle”, which would see the deaths of many people in the county, and the country being reduced to ashes. In his statement he highlighted two things. The first was that the apartheid government could not win due the sheer number of black people, thus stating to them that they “could not kill them all”. His second point was the rallying international community behind the opposition, and that the international community would be behind them (Maluleke 2001). Maluleke (2001) expressed that Mandela’s statement tabled a reality which spurred the negotiators towards what he referred to as the famous “negotiated revolution”.

These Kempton Park negotiations for a peaceful transition for power inevitably gave way to the change of government (Allan & Allan 2000).

Reflecting on this “negotiated revolution”, Maluleke (2001:194) supported that many commentators who have observed the TRC stated that its inception was a consequence of a compromise that took place in these negotiations. He thus affirmed that what was not always recognised was the fact that the TRC was itself part of the compromise and merely its product, and not the compromise itself. These negotiations not only set the stage for instruments such as the TRC to be born, but also for the notion of mutual dependency to emerge between blacks and whites (Maluleke 2001:195).

## **2.5 The establishment of the TRC**

Established in July 1995, the TRC was promulgated by the Promotion of National Unity and Reconciliation Act (hereafter referred to as the Promotions Act), No. 34 of 1995, to bring about a peaceful transition from the apartheid government to one that would be democratic (Allan 2000:191).

Boraine (2000:17) attested to how fortunate South Africa was to have received guidance from people who had prior experience in their own countries and as international human rights activists to have come and helped South Africa on its road to establishing the TRC.

The main objective and title of the Promotions Act was to promote the welfare of society as a whole, rather than that of individuals. The Commission was to also make recommendations to the president and Parliament in its processes to bring about a reconciled nation (Allan 2000:193). It is these recommendations which will be discussed further in Chapter Five.

The primary goal of the TRC was to establish a complete picture by assessing the causes, nature, and extent of the gross human rights violations which were conducted in the 30-year period from the 1<sup>st</sup> of March 1960 to May 1994 (RSA 1995).

The TRC consisted of 17 commissioners, who were divided into three committees. These committees were assisted by an investigation unit as well as a research department to help with the findings and administrative work.

One of these three committees dealt with human rights violations, and primarily focused on the investigation of gross human rights violations. The second dealt with the task of

considering amnesty applicants who made full disclosure of the relevant facts that related to the human rights violations which occurred, and was called the Amnesty Committee.

The third and last committee was that of the Reparation and Rehabilitation Committee. It was to make recommendations for reparation of victims of gross human rights violations (RSA 1995).

The committees were to have their own respective chairpersons. Although having different duties and responsibilities, their work was ultimately to address the primary goals of the TRC. The Amnesty Committee could also refer matters to the Reparation and Rehabilitation Committee for consideration of ways to assist the survivors, and so forth. Provision was also made for survivors who had suffered as a result of gross human rights violations to also approach the Reparation and Rehabilitation Committee directly for relief (Allan & Allan 2000:467).

Graham (n.d.) found that the TRC was designed to lay the groundwork for reconciliation to occur between agents of those who were in support of the former segregating, white minority regime, and those who opposed apartheid. The broader aim of the Commission was to ultimately steer the new-born nation out of hostility and the existing division towards unity and reconciliation by helping them to deal with the past (Maluleke 2001:190).

Du Toit (1999:340) suggested that the creation of the TRC represented an important recognition on the part of the government that although the materials and factors compromising reconciliation are very closely related and interdependent, it is required that they be distinguished and acknowledged separately.

The TRC's establishment, at a cost of R150 000 000, illustrated the commitment the government had to ensuring its success. It was also built upon a number of international sources that infused both spiritual and political theory which dictated the first step towards reconciliation – the steps needed to negotiate a political compromise for some, and politics of grace for others (Du Toit 1999:341). The *Oxford Dictionary* (2002) defines “grace” as “courteous good will”, thus, as stated by Du Toit, reflecting “courteousness” and “good will”.

Leaders hoped that the internal process of repentance and forgiveness would accompany the work of the Commission as the non-obligatory, yet crucial, by-products of the formal sequence (Du Toit 1999:341). This was also the case in the naming of the “Truth and Reconciliation Commission”, which was meant to inform the perpetrators and those who suffered the injustices of the apartheid government of the peaceful and the non-retaliatory intentions of the Commission. It was to highlight the intention that the Commission’s work would ideally facilitate the beginning of the spiritual and material reconstruction of the South African society. Thus it is evident that the TRC not only sought to tackle the material reconstruction of South Africa through reconciliatory means, but also spiritual reconstruction through the non-obligatory processes of repentance and the concept of forgiveness.

As it was not mandated for individual reconciliation, the TRC hoped that the testimonies of survivors could help bring reconciliation between themselves and the wrongdoers (Allan & Allan 2000).

Henderson (2004:43) suggested that the Commission created an environment where victims could hear and observe wrongdoers, where explanations were offered, contributions made, guilt admitted, apologies offered, and/or remorse conveyed. It, however, did not offer long-term solutions to dealing with the traumas that were experienced by victims (Allan, Allan, Kaminer & Stein 2006:8).

## **2.6 The TRC as a model**

Between 1971 and 1995, no less than 30 countries instituted TRC-type commissions of one kind or the other (Maluleke 2001:194). During this time, no less than 12 African countries had appointed official TRC-type commissions. In this, Maluleke pointed out that the first African country to do so was the Idi Amin government in Uganda in 1974. However, it was the same Idi Amin government which went out to oversee the killing of more people than those who had disappeared in his 1974 commission’s investigation. This illustrates that these commissions have not always achieved their desired goals.

On the other hand, Graham (n.d.) commented that it was clear from the onset that the TRC was going to be different from what he called the cold and bureaucratic, mostly *in*



*camera*, proceedings of similar bodies which were established in countries like Chile and the various other nations which were transitioning from their previously authoritarian regimes. He stated that unlike issuing a blanket indemnity to those who participated in the state terror, like they did in Chile, the South African approach was to grant amnesty to individuals on the basis of them giving full disclosure of their politically influenced crimes. This was due to the TRC's attempt to have a balance between the perpetrator-orientated nature of the amnesty proceedings with that of a human rights violation commission (Graham n.d.).

The idea of a truth commission for South Africa first came from the ANC (Boraine 2000:11). It was no sooner that the organisations were unbanned that the ANC embarked on a truth commission for the human rights violations which were perpetuated in their training camps in Tanzania and parts of Southern Africa.

However, the birth of the TRC did not come without many debates. Boraine (2000:15) explained that at the time there were serious differences, as some believed that the only way forward was to hold trials and prosecutions, and some felt that they should forget the past and focus on building a new South Africa.

The TRC was created as a consequence of the negotiated settlement that had been reached between the different representatives of the different groups (Maluleke 2001:194). Amnesty was offered as an incentive to encourage perpetrators to disclose reliable information. It allowed people to apply for amnesty in terms of the Promotions Act, for omissions or offences conducted, if the Commission saw its association with a political object. However, the applicants had to satisfy the criteria which were required to make a full disclosure of the violations that were committed (Allan & Allan 2000:467). This work was handled by the Amnesty Committee, which was chaired by a judge to ensure that the requirements were met.

O'Connor (2000:170) mentioned that the TRC had placed such a high priority on visualising and verbalising the truth of apartheid policies and practices, and on highlighting accountability and responsibility of the perpetrators, that it was willing to

support criminal and civil amnesty in exchange for full disclosure of the truth of the crimes for which the amnesty was sought.

The truth commission approach represents one model of dispute resolution to deal with human rights abuses and crimes committed. The second type of model is captured in the approach which was seen in the Nuremberg trials.

The Nuremberg trials, held in Germany, followed the end of World War II as the Allied Powers were faced with a decision of what to do with the captured German war criminals. From the three courses which were opened to the Allies, namely the release of the criminals, a summary execution, or trial, the Allies decided to conduct trials, although this came with much consideration of the possibility of a summary execution, which was favoured as the method of choice (McKeown 2014:11). The trials were to be adjudicated by a tribunal consisting of four representatives from the United Kingdom, United States, France, and the Soviet Union. The tribunal's authority was to be unchallengeable (McKeown 2014:111).

These two models of dealing with past crimes differ in various respects. The TRC, unlike the court approach, focused on the process rather than the conclusion. The most significant difference is its primary focus, which was to seek out the truth in order to bring about reconciliation.

Allan (2000) revealed that the TRC had an investigative and fact-finding focus. This allowed the Commission to be an effective instrument in determining the truth. However, its effectiveness in bringing about reconciliation at a national and individual level has been questioned. It is also important to note that the Promotions Act also made provision for informal mechanisms to be used and applied where appropriate in order to facilitate the reconciliation and the redress of victims (Allan 2000:196).

Maluleke (2001:198) advised that due to the fact that the establishment of the TRC was one which occurred as a consequence of a political compromise reached at Kempton Park, the processes of reconciliation ought to be based on a constant mutual dependency amongst the people and the various sectors, and that it should be based on a set of

criteria that will be felt for a long time to ensure that there is continuity in the reconciliation process.

He also brought attention to the fact that TRCs are merely instruments designed to facilitate the process. However, Maluleke (2001:198) strongly believed that in the absence of the human spirit and the absence of leadership of people like Archbishop Desmond Tutu and Nelson Mandela being infused in the structures, the TRCs would have probably collapsed due to the intense criticism which resonated from long-held mutual suspicions and painful memories. Thus this model requires a certain type of leadership to ensure its functioning.

Boesak (2014:421) acknowledged that with the coming of democracy, South Africa as a nation had achieved much. In this he commended the manner in which it dealt with apartheid, and the fundamental decision to embark on reconciliation rather than retribution and revenge, and that this decision became a great gift to the country and the world, both spiritually and politically.

In terms of the appropriateness of models, Oelofse (2007:83) indicated that models are seen to be appropriate at a specific time and place, and that this fact does not necessarily mean they will be appropriate for another country. For this, Oelofse (2007:83) called for each country to shape a process of transition out of its own historical, political, and cultural context.

In this, one cannot take away the presence of the Christian faith in the centrality of the TRC. Maluleke (1997:76) wrote that the overall concept of the TRC – which is borrowed from the Roman Catholic model of penance, confession, and absolution – and the very language of “truth” and “reconciliation” have been central to the Christian tradition since its inception.

## **2.7 Community hearings**

The TRC held hearings in all provinces for victims and perpetrators alike and proposals for reparation were tabled (Meiring 2009:103). It created an environment where the victims were able to hear and observe the wrongdoers offer explanations, make admission of guilt, offer apologies, or otherwise convey remorse (Allan *et al.* 2006). These

were also broadcasted on the national radio stations and reported on the various media available at the time. Allan *et al.* (2006) further stated that the media helped to capture the event and information which were reported outside the TRC, which included the personal meetings between wrongdoers and victims (Allan *et al.* 2006).

During these community hearings, individual statements and evidence which were provided illustrated the presence of trauma. According to Allan (2000), this led to many individuals experiencing further trauma from the testimonies that were given by others. The traumatic stories also seemed to affect the staff members of the TRC, family members of the victims and perpetrators, the people in the audience, and other people who found the hearings distressing. A large contributor to these traumatic stories reaching the people was the widespread coverage by the national media (Allan 2000).

Section 30 of the Promotions Act also made provision for a hearing to be held *in camera* if there was a possibility that harm could result from the disclosure of the witnesses' identity (RSA 1995). It is important to note that the choice for the interaction to be held in private was that of the survivor (Allan 2000). Mediation only occurred when both victim and perpetrator agreed to it. Allan (2000) further mentioned that the mediation process demonstrated an important element; that by involving the survivors, this empowerment factor could be therapeutic to those who had been traumatised.

On the other hand, Allan (2000) criticised the Promotions Act and stated that although the TRC process would be a traumatic one, the Act failed to provide for any psychological or psychiatric assistance to participants, as the focus of the process was on the welfare of the entire society rather than that of individuals. Although there was also the availability of the Mental Health Unit of the Commission, which undertook support for witnesses at hearings, such interventions, which included the preparation and briefing of witnesses before hearings, containment, and upholding of witnesses during hearing and debriefing after the hearings, went beyond the mandate and resources of the Commission in order for it to provide direct psychological services to all the role players, as well as the ongoing support to those in need of counselling (Oelofse 2007:218).

These community hearings were held in community town halls which enabled the public to attend and listen to the proceedings. However, the SABC (2011) reported that the attendance of some of these hearing was not satisfactory, as the white population failed to come in numbers. This defeated the purposes of the hearings as they were meant to unite the nation and allow a healing and reconciliatory process to occur.

Capturing the atmosphere of the hearings, Max du Preez stated,

“We heard the anguish of widows, of mothers and the victims themselves, telling of disappearances, of torture, murder and of suffering. We listened to their pleas for more information, on the circumstances of the crimes, and the names of the perpetrators” (n.d. cited by SABC 2011).

Many of those who had come to the public hearings to share their stories ended up in tears. At a certain point Archbishop Desmond Tutu failed to contain himself as he also broke down in tears, empathising with the pain of those who were sharing their painful tales (SABC 2011).

## **2.8 Conclusion of the Commission**

The Commission commenced in April 1996, and on the 29<sup>th</sup> of October 1998, after two and a half years, after more than 21 000 testimonies and 7 500 amnesty applications, it was to finally report on the findings it has made, which were contained in a 3 500-page report. The TRC submitted its report and findings to the then state president, Nelson Mandela.

Graham (n.d.) stated that the chair of the Commission, Archbishop Desmond Tutu, in his foreword of the final report, referred to the past as a “jigsaw puzzle” of which the TRC is only one piece. This illustrated that much more was still left to be done.

## **2.9 Key concepts**

This study investigates two key concepts which were used by the TRC in its mandate to realise national unity and reconciliation, namely the concepts of forgiveness and reconciliation. The study will explore how they were used and defined by the Commission,

and in the final chapter conclude how they are to be perceived by the current society in terms of moving forward and dealing with current social issues.

However, for this particular chapter, various definitions of these concepts will be discussed before making way for the analysis of how the Commission comprehended and used these concepts in the chapters to follow. This chapter will also explore the concept of politics in order to highlight the negotiation processes that existed before the establishment of the TRC and the need for continued negotiations for the perpetuation of the reconciliatory process.

### **2.9.1 Forgiveness defined**

“[T]o forgive is to set a prisoner free, and to discover that the prisoner was you” (Smedes 1984 cited in Howes 2013).

In his analogy, it is clear that Smedes recognised the journey of forgiveness as one that is travelled alone. Howes (2013), on the other hand, argued that this is not the case for reconciliation, as reconciliation is an interpersonal process, which requires a dialogue with the offender about what had happened, exchanging stories, expressing hurt, then listening for remorse, and thus beginning the process of regaining trust. He further stated that it is thus a complex process, one which includes but goes beyond that of forgiveness.

Another definition of forgiveness can be seen in the writings of the philosopher Joanna North (1987 cited in Allan *et al.* 2006:90), who defined forgiveness as a “willingness to abandon one’s right to resentment, negative judgement, and indifferent behaviour towards one who unjustly injured us, while fostering the undeserved qualities of compassion, generosity, and even love toward him or her”. This definition seems to highlight the views of Tutu (1999) that forgiveness is the power that a victim has to initiate a peace process, and to reach out to those who wronged them.

As a concept, forgiveness saw a shift in the 1980s from it being primarily considered a religious concept, as it began to also find itself being accepted by a number of health practitioners. This resulted in a growing interest in forgiving as a psychological construct that had earlier been associated more with social psychology, but increasingly also with

clinicians (Allan *et al.* 2006: 88). This growing interest was also seen in therapists who eventually believed forgiveness, even though it is not communicated, to be a necessary process to free survivors from past traumas by reducing the fear, guilt, and anxieties that may be associated with them (Fitzgibbons 1986; Hope 1987 cited in Allan & Allan 2000:470).

Donald Shriver Jr. (1995 cited in O'Connor 2002:166) observes that forgiveness links realism to hope. He believed that it is aimed at delivering the human future from repetitions of past atrocities.

In another view, by Volf (1996 cited in Petersen 2004:82), it is stated that forgiveness is not only reflected by the individuals, but it also serves as means to build community. He referred to it as a “boundary” between “exclusion and embrace”. In this, Volf stated that when we forgive, we enlarge our understanding by learning to see the world through the eyes of “the other”, our neighbours. By this, forgiving serves to undo the deeds of the past, whose “sins” hang like Damocles’ sword over every new generation (Boraine 2000: 364).

Allan (2000) asserted that the TRC, although not mandated by the Promotions Act to do so, laid the foundation for the survivors to forgive. He further mentioned that its processes not only brought the truth to the surface, but it also brought the probability that individual reconciliation between the survivor and the amnesty seeker may occur. This can also be seen in the definition given by Tutu (1999:219) that

“forgiveness means abandoning your right to pay back the perpetrator in his own coin and in the act of forgiveness we are declaring our faith in the future of a relationship and in the capacity of the wrongdoer to make a new beginning”.

## **2.9.2 Reconciliation defined**

Reconciliation has many definitions and descriptions. Some define it as accepting the reality of a common humanity, and, in South Africa, this was seen in the notion of a “Rainbow Nation”, rather than a nation where racial distinction makes a difference (O'Connor 2002:176). O'Connor (2002:176), however, mentioned that one could

convincingly argue that “conciliation” is a more realistic word for the South African challenge, instead of the word “reconciliation”. He asserted that “reconciliation” suggests a restoration of what once was, and the fact that this was not the case in South Africa; the challenge is that of “conciliation”, not “reconciliation” (O’Connor 2002:176).

The other reason, as stated by O’Connor (2002:177), is that some may see reconciliation as a social arrangement that follows the process of social and economic transformation, while others see reconciliation primarily as a feature of survival, and thus of negotiation, because one’s grandchildren will be the beneficiaries. This can also be seen in the statement made by Thabo Mbeki, that “reconciliation depends on the hope of people that this process will be successful” (Du Toit 1999:340).

Meiring (2009:105) wrote that from the Nuremberg trials we were already warned about the ambiguity of the term reconciliation, that it would mean different things to different people. However, Reverend Frank Chikane (n.d. cited in Boesak 2014:424) stated that whichever way we approach reconciliation, it can only be meaningful if it includes spiritual elements as spiritual elements are indispensable for political reconciliation.

Allan and Allan (2000:464) wrote that the focus to achieve national reconciliation should also begin at the individual level. It is here, they stated, that reconciliation is more likely to occur. This is possible if there is a process that promotes empathy on the part of both the perpetrators and the survivors (Allan & Allan 2000:464).

Tutu (1999:219) stated that “true reconciliation exposes the awfulness, the abuse, the pain, the degradation, the truth”.

### **2.9.3 Politics defined**

Heywood (2013) stated that politics is seen as a particular means of resolving conflict. In this he stated that this is done by compromise, conciliation, and negotiation, rather than force and naked power. He further mentioned that this is what is meant when politics is portrayed as “the art of the possible”.

Reiterating the statement by Maluleke (2001:194) that the TRC was itself part of the compromise, this speaks to the politics that had occurred throughout the TRC processes



to bring about a peaceful process in finding a way, not by force or naked power, to deal with the country's historical atrocities and pave the way to a united and reconciled society.

Heywood (2013:8) stated that politics is certainly not a utopian solution. By this he explained that compromise means concessions are made by all sides – leaving no one perfectly satisfied; however, it is undoubtedly preferred to the alternatives: bloodshed and brutality. He reiterated that failure to understand that politics is a process of compromise and reconciliation is necessarily frustrating and difficult. This is due to the fact that this process involves listening carefully to the opinions of others, which contributed to what he referred to as the “disenchantment” with democratic politics across much of the developed world. Quoting Stoker (2006), he stated that “politics is designed to disappoint”, as its outcomes are “often messy, ambiguous, and never final” (Heywood 2013:9).

The adoption of the Promotions Act, which established the Commission, was a very open and transparent process. Oelofse (2007:125) stated that all major political parties participated in the procedures and mandate of the TRC through a process of parliamentary hearings. All the role players, as well as civil society, were given the opportunity to play a large and influential part in the establishment of this parliamentary commission. This openness increased the public and democratic character of the TRC.

Oelofse (2007:125) further stated that for Minister Omar, the Promotions Act was a major event for the transition in the country and also for the creation of a human rights-based, democratic society, and that for him it was the best balance achieved in the tension between justice and reconciliation, while complying with the basic tenets of international law.

## **2.10 Summary and conclusion**

This chapter captured South African history by discussing the genesis of oppression, the Sharpeville massacre and its significance, the dawn of the democratic government, the establishment of the TRC, including its discussion as a model compared to other models of dealing with historical crimes and atrocities, and also how the Commission laid out

community hearings in various towns and cities. This discussion was to establish the context the TRC found itself in, thus enabling understanding of the interpretations to follow in Chapter Three.

Lastly, this chapter also provided the various definitions of forgiveness and reconciliation, and discussed the definitions of politics, which outlined the need for negotiation, as will be discussed in further chapters to highlight its relevance in the continuation of reconciliation.

The following chapter seeks to take a step further and deepen the discussion by deliberating on the various interpretations regarding the TRC, forgiveness, reconciliation, and politics.

## Chapter Three

# THE INTERPRETIVE TASK: VARIOUS INTERPRETATIONS

### 3.1 Introduction

Our social location and political history influence our understanding, interpretation, and perception of the TRC and the core concepts it dealt with, namely that of forgiveness and reconciliation. How people view and interpret them is not isolated from where they are coming from. This means that the conflict of interpretations in a sense is relativised by being sensitive and conscious of our different struggles in history. The TRC “promises to address and overcome some of this conflicting interpretations because we come from apartheid” (so far apart), but now find ourselves in the TRC, a space and vehicle to get closer to truth and reconciliation.

The sensitivity towards the different disciplinary approaches in the meaning of concepts such as forgiveness and reconciliation also depends largely on the context/field/discipline one finds oneself in.

Thus, dealing with the idea of historical distance on the TRC will indicate shifts, developments, twists, and turns regarding meaning changes during the years of the TRC; its initial take, and how it has been seen in the years since.

When dealing with the TRC, there are different ways of understanding and interpreting the concepts of forgiveness and reconciliation. This chapter thus discusses what was disregarded, not heard, and possibly overlooked in the previous chapters.

The deepened discussion in this chapter will thus enable understanding and reflection, which will ultimately relate to finding answers to the question the study poses.

Rein (2011:13) wrote that interpretation means bringing together different material that could interface and creating something new. For that he mentioned that there is a “need to practise deep listening, to bring the other to speech, to listen and speak conjunctively, ‘interconnectedness-towards-wholeness’”. “[D]o not readily interpret from your own world view, do not identify, nor differ, just listen how things you think you know, are being formulated” (Krog 2010 cited in Rein 2011:8).

This chapter aims to discuss the various interpretations, including that of the TRC, of forgiveness, reconciliation, and politics. All is linked with setting the knowledge base needed to understand the work of the TRC, which will be captured from its primary sources as discussed in Chapter Four.

Firstly, a brief discussion will be presented to better understand hermeneutics as a methodological tool which is used throughout this study to capture the meaning of text that might be of a time or place different from our own.

### **3.2 Hermeneutics as a matter of interpretation(s) that matters**

Hermeneutics is seen as a science of interpretation and an art of understanding (Thiselton 2009:2). As a science, it “enunciates principles ... and classifies the facts”, and as an art it “teaches what application these principles should have, showing their practical value in the elucidation of more difficult texts” (Thiselton 2009:3).

Hermeneutics, or rather, in this case, the hermeneutic phenomenology, may, however, prove to bring great difficulty at times. Cohen (2001 cited in Kafle 2011:190) pointed out that this is because the approach aims to create a rich and deep understanding of a phenomenon through intuition, while at the same time focusing on uncovering rather than accuracy, and amplification with avoidance of prior knowledge. He stated that to overcome this difficulty, we must acknowledge our implicit assumptions and in the process attempt to make them explicit.

It is for this reason that Kafle (2011:191) emphasised that hermeneutics avoids methods, and does not have a “step-by-step” method or analytic requirement. However, he did highlight that the only guidelines are the recommendation for a dynamic interplay among

five activities, namely the commitment to an abiding concern, oriented stance toward the question, investigating the experience as it is lived, describing the phenomenon through writing and rewriting, and consideration of parts and wholes.

Thesnaar (2011:29) asserted that within the hermeneutical paradigm, the perpetrator and the victim need to be understood within their context as complete human beings, as relational human beings who are seeking healing and wholeness. In the South African context, we need to understand that human beings cannot be comprehended in isolation from their cultural issues and values. In this case, both the perpetrator and the victim are embedded in culture. Thus culture itself is an expression of the creative and imaginative human spirit (Thesnaar 2011:29). It itself can be viewed as a sacred endeavour, thus laying a contextual ground for a study to conduct its interpretation.

### **3.3 Various interpretations of the TRC**

The sections to follow discuss the different interpretations in which the voices found themselves. With the different viewpoints illustrated, the TRC is dissected into various elements, all forming pieces of a puzzle in the exploration of the interpretations which surround the work and existence of the Commission.

#### **3.3.1 The TRC's limitations**

It is no surprise that the TRC saw itself starting to reveal its weaknesses as the proceedings begun. Although some had already predicted and anticipated the effects of how the Promotions Act was drafted, it was with the proceedings of the Commission that its limitations began to surface.

Lindahl (2010) pointed out that the Commission was flawed in three particular areas. The first was that the negotiated settlement had been established under the mandate of the previous apartheid leaders. The second was reflected in the stipulations and manner in which the Promotions Act defined political crimes. This ultimately resulted in much of the general population being excluded from participation. The third and last limitation, as stated by Lindahl, speaks to the Commission's mandate, which restricted it from court-ordering particular political figures to participate, which led to many political leaders

choosing not to share their knowledge of apartheid and their participation in it (Lindahl 2010:33).

Some of the fundamental flaws of the TRC seem to resonate in the Promotions Act itself. Its definition of “ill-treatment” as the “act or omission that deliberately and directly inflicts severe mental or physical suffering on a victim” resulted in the exclusion of a large portion of the population that was subjected to forced migration, discrimination and segregation, inadequate living style, and the emotional and psychological impact of the apartheid system (Lindahl 2010:19). This resulted in the Commission concentrating on the actions of individuals, groups, and businesses, and their discrimination policies during apartheid, instead of blaming the National Party for imposing such a policy. It could be argued that this fact ironically erased apartheid’s distinctive horror, which legalised a systematic infliction of severe ill-treatment of blacks by a state and its (un)civilised society (Lindahl 2010:19).

Mamdani (2010 cited in Boesak 2013) argued that the logic of the TRC is more similar and common to that of the apartheid system than is often realised. He explained that the TRC had held state officials responsible under the Promotions Act for what had been identified as crimes under the apartheid law. It did not hold them accountable for the crimes authorised under those laws, but for the actions which were outside the apartheid laws, and thus they were held responsible in their individual capacity as individual authors rather than implementers. He stated that by ignoring the violence that was authorised by the apartheid state and law, the TRC had failed to recognise political violence. Instead of this, the TRC identified criminal violence, violence which exceeded political orders, which could be identified after the apartheid law had been fully implemented.

Going back to the workings of the Commission, Mamdani (2010 cited in Boesak 2013:40) asserted that the problem with the TRC was the improper distinction it made between victim and perpetrator. He argued that those distinctions should have rather been between that of beneficiaries and victims of the apartheid system. He stated that although *some* whites had perpetrated human rights crimes, *all* whites benefited from apartheid. In his recommendations, Mamdani stated that this was how the question of guilt, repentance, reparations, and restitutions should have been addressed.

Boesak (2013) wrote that the TRC failed to understand how the apartheid system had economically and systematically wronged, oppressed, and exploited the population. It failed to recognise the contributing role caused by white political dominance, which influenced the racial capitalism and apartheid that occurred over a considerable period of time. This resulted in the sustaining and maintenance of white wealth and privilege, black poverty, and their deprivation and humiliation (Boesak 2005:192-193).

Boesak (2013:41) stated that the above had an enormous impact and outcome on the conclusions of the Commission.

The Commission's concern about only the given period in South Africa's history also resulted in it failing to regard and include the historical wrongs of slavery and colonialism. However, looking at the period it worked with, the Commission did focus on the apartheid era and what was legal under those laws. Boesak (2013:41) asserted that the period given to the TRC meant that not only was history ignored, communities that were victims of wrongs were also excluded from the consideration of justice.

### **3.3.2 The TRC's issues with identity**

"What you believe to be true depends on who you believe yourself to be" (Krog 2002:99). Mwapangidza (2015:41) believed that this statement made by Krog presented itself in people like P.W. Botha, who thought of the TRC as representing a platform where the Afrikaner was to be stripped of his identity. This was captured in the statement made by Botha that "the TRC is tearing the Afrikaner apart ... An Afrikaner doesn't go on his knees before people, he does it before God" (1996 cited by Krog 2002:266).

Mwapangidza (2015:41) argued that this identity pride stood in the way of the truth and the work of the Commission. This begs the question of whether the less-than-satisfactory representation of the white community in the community hearings held by the Commission highlighted the same thought process and perception of the TRC by the white community as that which was communicated by P.W. Botha. This resembles a Commission dealing with a deeply divided people who not only expressed their lack of national unity physically, but also spiritually.

### **3.3.3 On the Commission's work**

Oelofse and Oosthuysen (2014:257) supported Jeffrey's (1999) argument by asserting that the Commission has done as much to distort the truth as to disclose it. In this they explained that some parts of its report were simply sloppy and the methods used by the TRC were deeply flawed, and that "from these flawed methods flowed conclusions". Jeffrey (1999) pointed out that the Commission issued a report, which can only be of an interim and tentative nature, and that, in fact, what the Commission had done was to focus only on half the story, and to tell that half in a selective and distorted way.

Another point is that which was raised by Boesak (2013), capturing the Archbishop's views. He wrote that the TRC's only choice was not just between retributive and restorative justice, and revenge and forgiveness, but that it was incumbent upon it to advance the gains made at Kempton Park and to move from victims' justice to survivors' justice and from the foundation of political justice to social justice, which "it did not do".

### **3.3.4 Some appreciation for the TRC?**

Amidst the various interpretations of the TRC as captured in the above sections, Oelofse and Oosthuysen (2014:257) called attention to the fact that the TRC did focus on ordinary citizens and aimed to make the process understandable for all. They further mentioned that the involvement in the TRC processes caused citizens to be more accepting, tolerant, and respecting of other races and their different political views, which was needed to encourage democracy in South Africa.

## **3.4 Various interpretations (of the role) of forgiveness**

Oelofse and Oosthuysen (2014:258) wrote that forgiveness is believed to set the path to reconciliation, which creates a peaceful society, and that these two concepts go hand in hand. This process results in people being set free from their painful memories and enables them to move on and be part of a reconciled society if they can let go of all their bitterness. In this process, they mentioned that feelings of empathy and acceptance towards the perpetrator may even surface; it is then that forgiveness can set free both the person forgiving and the person who is forgiven, and that refusing to forgive may make one's life hopeless, as well as negatively affecting those around one. However, Oelofse



and Oosthuysen (2014:258) highlighted that forgiving a person can never be predicted or forced; it can only happen within the person forgiving. On the other hand, the conditions which are conducive for forgiveness can be created (Oelofse 2007:287).

### **3.4.1 What forgiveness is not**

Holmgren (2012:38), emphasising the words of Murphy (1988), pointed out that although forgiveness involves overcoming negative emotions towards the offender, there are, however, methods of overcoming negative emotions that do not count as forgiveness. In this he stated that we would have not forgiven the offender if we simply took a pill or underwent hypnosis to eliminate our resentment in order to improve or get on with our lives. He further stated that we also have not forgiven the offender if we simply forget about the incident, as this only results in resentment towards him/her again if we were to be reminded of the incident at some point in the future.

Holmgren (2012:38) further mentioned that authors have subsequently questioned whether we have a legitimate instance of forgiveness if victims forgive in order to make themselves feel better, if they forgive in order to feel morally superior to the offender, or even forgive to relieve their own feelings of guilt and shame at taking pleasure in the offender's discomfort. Others argue that since forgiveness is other-directed, legitimate instances of forgiveness cannot be motivated in these ways.

These questions call into light the manner in which the TRC dealt with issues of forgiveness. Although, as noted, the Commission had not explicitly implied the need to forgive, the implicit attention to the concept cannot be ignored. It thus brings into question whether these hearings resulted in true forgiveness, or the type of "forgiveness" Holmgren suggested.

Derrida (2001) highlighted that "[t]rue forgiveness consists of forgiving the unforgivable" (cited in Mwapangidza 2015:43). He argued that the "introduction of a third is a corruption of forgiveness itself", that true forgiveness is one that is unconstrained by sovereignty. When reflecting on the TRC, Mwapangidza (2015) suggested that the Commission, with its assumed role of mediator, ironically became both a tool through which to achieve forgiveness (order) and a stumbling block in pursuit of the same. He quoted what he

called the bitter words of Ms Kondile, stating the conundrum which was faced by both the state and the victim: “It is easy for Mandela and Tutu to forgive ... they live vindicated lives. In my life nothing, not a single thing, has changed since my son was burnt by barbarians ... nothing. Therefore I cannot forgive!” (in Krog 2002 cited by Mwapangidza 2015:43).

### **3.4.2 The TRC and forgiveness**

Oelofse (2007:287) highlighted that despite the emphasis placed on forgiveness, it must be clearly stated that forgiveness was not a requirement of the purpose of the TRC as nothing in the legislation of the TRC required either forgiveness or repentance. In quoting one of the commissioners, Oelofse stated that “forgiveness was not a prerequisite of reconciliation” (2007:286), while Dumisa Ntsebeza, the head of the Human Rights Investigation section of the TRC, also stated that the Commission’s work was not about forgiveness. Borraine (2000:356) confirmed this proclamation by stating 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”. In this statement Oelofse (2007:288) explained that the commissioners indicated that the TRC merely created the space for forgiveness to take place, but never intended to demand any forgiveness.

McDonald (2008:240) highlighted that the widespread and deep feelings of injustice prevented attempts at reconciliation and personal forgiveness from achieving the stated goal. This might have hindered the possibility of forgiveness as many felt the injustices of the past regime had not been dealt with.

### **3.4.3 Who can forgive?**

Holmgren (2012:39) indicated that the drive for encouraging an attitude of forgiveness is often much more complex, as this is also the case with other virtuous attitudes. He wrote that very few are born with a set of good attitudes intact. In addition, very few go through life in a completely methodological manner, in which they systematically assess the various attitudes that they could adopt in the situations they encounter and then choose to adopt the most worthy.

Holmgren (2012:40-41) argued that when we forgive, we normally remember what has happened in the past, and it may be important for us to do so. In this he stated that when we forgive, we do not forget the incident; instead, we no longer remember it vindictively. We hold an attitude of real goodwill toward the offender and we regard the incident of wrongdoing in an objective manner so that we can learn from it. He further warned that there is, however, a truth to it, and that an attitude of resentment tends to keep the incident on our minds in a way that an attitude of forgiveness does not. He explained that when we forgive, we make peace with the past and no longer feel a need to concern ourselves with it – beyond drawing on it in ways that are beneficial in planning for the future.

Forgiveness is not about forgetting, and the memory 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 them to transform and change the future (Oelofse 2007:286).

#### **3.4.4 What may lead to forgiveness?**

An important factor that may lead to forgiveness is that the wrongdoer shows remorse and willingly apologises for the wrongs of his/her actions (Oelofse 2007:286). For the process of forgiveness and healing to take place and to be successful, the acknowledgement by the wrongdoer is essential. This sentiment was also iterated by Ricoeur (2004:457), who argued that for there to be forgiveness, we must be able to accuse someone of something and declare them guilty. This accountability links the act to the agent.

Thesnaar (2013:60) stated that there were those who “blatantly” did not believe in any wrongdoing in their actions during the time of apartheid. They believed their actions were justified, and in that case they saw no need to confess any guilt.

These statements were followed by those who felt that forgiveness can only be given by God, and it is only to God that the confession of guilt should be made. For this they felt that confession was not due to a “godless” commission created by a government that was paying them large salaries while others were suffering (Meiring 1999 cited in Thesnaar 2013:60). They were convinced that guilt and issues of confession must be handled in

churches and not in a government commission in front of the public (Thesnaar 2013:61). On the other hand, there were also those who called for the church and its members to step forward and confess before the Commission and the public, as this confession process, be it collective or individual, would contribute to the healing of the nation.

Vosloo (2012:7), however, warned that from the onset it is important to note that although forgiveness and connected concepts such as confession of guilt and reconciliation should not be confounded, one also ought to guard against any neat separation that obscures the interrelatedness of these notions.

Reflecting on the Commission, Oelofse (2007:285) reported that if the conviction that people can change by recognising, acknowledging, and confessing their wrongdoing and ultimately asking for forgiveness was not true, Tutu felt that the Commission would “have had to shut up shop”. In the words of Tutu, “God wants to show that there is life after conflict and repression, and that because of forgiveness, there is a future” (1999 cited in Oelofse 2007:286). Forgiveness can never be without the next step: reconciliation; and reconciliation cannot take place without it fundamentally changing the life of the one that forgave, as well as the forgiven (Krog 2008:357).

### **3.4.5 Forgiveness used for political means**

McDonald (2008:238) stated that political forgiveness is not the same as personal forgiveness and should probably be called “reconciliation”. Whereas personal forgiveness occurs in the deepest recesses of the individual psyche, reconciliation binds together under one rubric, the law, or the practice of the collective and mixed feelings of many people. He warned that if acts of public reconciliation only plaster over underlying personal feelings of revenge or come to be derided as mere “political correctness”, the gains may be short-lived. He further mentioned that the pursuit of justice included the pursuit of conditions where forgiveness might be possible.

He thus highlighted that a situation where each side has a chance to tell his or her story can sometimes lead to surprising examples of interpersonal healing, without eliminating the need for punishment of wrongdoing (McDonald 2008:238).

Vambe (2013:116) wrote that Zimbabwe, which was the first to promulgate a policy of reconciliation, was criticised as being idealistic, in the sense that in the early 1980s its policy did not request whites to account for their violence towards blacks during the 1970s. Vambe further mentioned that in a thinly veiled attack on Mugabe's policy, Kenneth Kaunda of Zambia stated that reconciliation cannot be without economic redress and consequent justice, and argued that "forgiving is not, of course, a substitute for justice"(quoted by De Waal 1987 cited in Vambe 2013:116).

Vosloo (2012:5) pointed out a real temptation to use forgiveness and the confession of guilt as part of a clever strategy to achieve political moral gain. He stated that such accounts are often not interested in a truthful engagement with the past or a close identification with a common future, but display in the process a static account of forgiveness and reconciliation.

However, for forgiveness to be meaningful, McDonald (2008:231) explained that the offence must be real and must be an offence against the one for whom forgiveness is an option. He further stated that "third-party forgiveness" may be something less than genuine forgiveness, and that the one in the best position to forgive is the person who has been hurt. He warned that to forgive is not to excuse, overlook, or condone, and that if we condone the moral offenses of others too quickly and easily, we can rightly be charged with participating in the offense, in that when there is no repentance at all, no acknowledgement of a wrong, our forgiveness turns into condonation (McDonald 2008:231).

#### **3.4.6 Why do we need to forgive?**

McDonald (2008:233), reflecting on the writings of the philosopher Hannah Arendt, stated that the human community is built by the promises we make to one another and the networks of trust we create. Arendt, however, pointed out that not all promises can be fulfilled, for the future cannot be seen, in that we misjudge conditions and what the terms of the promise imply; we make mistakes, we become self-protective when things go awry, and we "sin". In this McDonald explained that we are then faced with what Arendt called "the predicament of irreversibility"; that everyone is stuck with their promises no matter what, even the well-intentioned ones, and that the course of history could get worse, not

better. McDonald further wrote that we are saved by the capacity to forgive and the willingness to let others try again. We need the capacity to make promises if we are to control “the chaotic uncertainty of the future”, and we need the capacity to forgive as a “remedy for unpredictability” (2008:233).

### **3.5 Various interpretations of reconciliation**

Holmgren (2012:41) wrote that some authors have seen reconciliation as a basic component of genuine forgiveness, or at least of a paradigmatic case of forgiveness.

He mentioned that reconciliation is often the result of forgiveness, as we can easily see by looking at our own personal relationships. Human beings quarrel, forgive, and continue with their personal relationships on a regular basis. Nevertheless, there are many cases in which people forgive without restoring specific personal relationships, and rightly so (Holmgren 2012:41).

#### **3.5.1 The risk of no reconciliation**

Thesnaar (2014:2) noted that there are four factors which hamper reconciliation. These are the expansion of poverty, the persistence of violence, insufficient human capacity, which he also referred to as the human capital that is needed to deal with the values of democracy, and values and principles, which pertain to human rights as indicated in the Constitution. Lastly, to understand reconciliation is only possible if we understand it as a process and discuss it as a costly multifaceted process which includes issues such as facing and taking responsibility for the past, dealing with memory, confession, issues of repentance, remorse, reparation, restoration, and justice (Van der Merwe 2003 cited in Thesnaar 2014:2).

In this case, Kraybill (1992 cited in Thesnaar 2014:1) argued that reconciliation is only possible if we understand it as a process. It has to be understood that the critical notion in this discussion is that reconciliation is costly and a multifaceted process that includes profound issues such as facing the past, memories, confession, repentance, remorse, reparation, restoration, and justice.

### **3.5.2 Understanding reconciliation as a model**

Mwapangidza (2015:42) pointed out that Krog (2002) challenged the totalising Western-Christian model of reconciliation by confronting it with indigenous models like that of the *ilala* (a grass blade milked for palm wine). It calls for two people with a dispute to sit opposite each other, milking this blade as they confess. This leads to any animosity that exists between the two parties to dissipate with the emptying of the blade. The introduction to other methods gives way to our sensitivity to difference and capacity for tolerance, which is why she stated that whole truths and reconciliation discourse are underpinned by *ubuntu*, a humanist philosophy that is steeped in African epistemology.

Various understandings and interpretations may hinder the efforts of reconciliation. The word “reconciliation” has several meanings, and one of its meanings in Afrikaans is “not resist”, which may perhaps explain why some Afrikaner politicians saw it as a threat, as something trying “to dictate their demands” (Mwapangidza 2015:41). The other meaning, according to Mwapangidza, is to “restore friendship”, which, in the South African context, may not apply as there was no previous friendship, and instead the country has multiple pasts rather than a single past.

The concept of reconciliation has been grossly misunderstood, misappropriated, and softened (Maluleke 2008:684). Maluleke pointed out that this concept has been thoroughly abducted into the discourse of the ruling class. From this perspective, reconciliation appears to be something that is done by the powerless for the powerful. It comes across as being a necessity for the wronged and an optional extra for the beneficiaries and perpetrator; a ritual to be performed by the poor, a rite for blacks and a right for whites (Maluleke 1997 cited in Maluleke 2008:684).

### **3.5.3 The TRC and reconciliation**

The TRC’s limited mandate, the lack of participation by key political leaders, as well as the marginalised groups, including the discrepancy between the amnesty and reparations, hindered it from achieving true reconciliation for South Africa (Lindahl 2010:11).

A number of white communities, who Lindahl (2010:32) called the beneficiaries of apartheid, had not come to reveal their stories, therefore it was widely believed that the “only people who are reconciling here are the disadvantaged”. He further stated that it could be argued that the TRC has still not achieved its objective of reconciliation – this being evident from the crimes, violence, unresolved land issues, and lack of improved communities.

More than 20 years into democracy, there is still little evidence that South Africa’s black and white communities have fully reconciled with each other (Vambe 2013:114). Vambe further pointed out that although institutions such as the TRC were set up to mitigate the effects of the previous regime, several critics, including Mamdani (2013 cited in Vambe 2013), believe that these institutions covered the possibility of genuine reconciliation, which, for Mamdani, should be “just”. Vambe (2013:114) explained that justice itself is viewed as only possible when both blacks and whites have equal access to the country’s material resources. However, this is not the case for the South African society.

Thabo Mbeki referred to these resources in his speech about South Africa being a country of two nations. In his speech he stated that these nations consists of one which is white, and the other black. The one which is white is “relatively prosperous, regardless of gender or geographical dispersal. It has ready access to a developed economic, physical, educational, communication and other infrastructure.” While the second, much larger black nation is “poor, with the worst affected being women in rural areas... This nation lives under conditions of grossly underdeveloped economic, physical, educational, communication and other infrastructure” (SAHO 2017).

### **3.6 Various interpretations of the politics in all of this**

Apartheid was officially dissolved after the election of ANC leader Nelson Mandela, who was then elected as the president of South Africa in 1994. As highlighted by Lindahl (2010:13), what remained of the country at the time were atrocities, poverty, and hatred. The new government was thus faced with this horrendous past and the search for a solution in order to move forward. This struggle over apartheid had ended with a military stalemate between the National Party and the ANC. Lindahl (2010:14) wrote that there



was no “victory’s justice” with which to place the blame, which left the previous government and the resistance groups pointing fingers at each other.

The Kempton Park negotiations were to pave a way for politicians to decide the direction the country was going to take. From these negotiations, a compromise was reached, which saw the country eventually going to its first democratic elections. However, the question of how to deal with the past still had to be addressed.

### **3.6.1 How was the social aspect of the country to be approached?**

To deal with the issues of the past and the atrocities that were experienced, a tribunal was suggested. However, unlike the Nuremberg trials, there was no victorious party that could charge the other for the horrendous crimes. And, in the South African case, both sides were said to be guilty (Lindahl 2010:14). This resulted in a truth commission being the most viable option for the South African situation. Lindahl (2010:14) further reported that for a peaceful transition to democracy, the terms of the new South Africa had to be settled between the NP and the ANC. The NP demanded that amnesty be granted to those who had been involved in the apartheid government, while, on the other hand, the ANC wanted justice for the past suffering of the South African people.

Mwapangidza (2015:43) quoted a question from Mahmood Mamdani (2002) that “If truth has replaced justice in South Africa, has reconciliation then turned into an embrace of evil?” This question exposes the contradictions inherent in modern systems of governance, of which the TRC is one (Mwapangidza 2015:44). Reconciliation, whose precondition is blanket amnesty, is in direct conflict with its modernity and rule of law, which always demand that justice takes its course. Mwapangidza (2015) argued that the absurdity of justice without restoration is ridiculed through a narrative which depicts both victim and perpetrator trying to forge reconciliation, with the perpetrator who refuses to return a stolen bicycle, and when the victim asks “and what about the bicycle?”, the thief’s answer is, “No, I’m not talking about the bicycle, I’m talking about reconciliation.”

Many leaders across the board have launched various initiatives to enable the country to deal with internal divisions by advocating for strategies for reconciliation and peace building in South Africa. One of these strategies was thus that of the TRC (Labuschagne

2013:104). The desire to unite the country was an attempt to assist the previous apartheid to transition into a new democratic and all-inclusive political regime. Labuschagne (2013:104) wrote that the aim of this political regime was to set in motion a process that would symbolically reconstruct society in terms of a new, broader identity and adherence to the values of an all-inclusive and democratic society.

### **3.6.2 How did the TRC affect politics?**

Mamdani (2013 cited in Vembe 2013:121) believed that the TRC actually undermined the political achievements that South Africans had gained in the negotiations carried through in CODESA. Vembe (2013) stated that, for the critics, CODESA suggested the possibility of political reform as a way of dealing with the iniquitous system of apartheid, where, on the other hand, the TRC focused on criminalising individuals, regardless of whether these people were perpetrators or victims. Vembe (2013:122) supported the view that “it was not the TRC but CODESA which made for the real political breakthrough in South Africa”.

Valji (2004:8) argued that the TRC became the vehicle “for the legitimization of a limited transformation”. Vargas (2011:1) saw in the South African TRC an instrument of “orchestrating forms of structural oblivion”. In this, he stated that the TRC itself was a meta-narrative grounded wrongly in notions of forgiveness, which were influenced by Christian ethics, and asked victims to become heroes, leaving the weight of the future of South Africa in the capacity of victims to overcome their negative sentiments and forego their claims of justice.

Boesak (2013:39), quoting Mamdani (2010), declared that the TRC failed to take the lessons learned from Kempton Park as seriously as it should have. He further stated that where the Nuremberg case shaped the notion of justice as one of criminal justice, few, however, who recognised Kempton Park had called justice to be thought of as primarily political justice. He further mentioned that where Nuremberg ended in victims’ justice, some acknowledged that Kempton Park provided the alternative, which Mamdani referred to as “survivors” justice.

The growing divisions in South African society have caused many people to become disillusioned with the ability of the government to transform the nation and eradicate

poverty (Thesnaar 2011:27). Thesnaar (2011:27) further expressed that this has led to a growing frustration amongst the people of South Africa over the years, which has been seen as manifesting in various forms of violence. These intolerances are symptoms of a nation battling to come to terms with the past and ongoing poverty. Thesnaar (2011:27) stated that the outbreak of xenophobic attacks, which were accompanied by service delivery protests, indicates that many people have reached the point where they believe that violence is the only way to deal with the past as well as the current situation. "Poverty, forced removals, lack of access to health services, separate and unequal education, and lack of adequate housing, over and above political tortures and murder, ongoing racial, domestic violence and xenophobic violence" have had profound economic, structural, social, and psychological consequences for the majority of black people in South Africa (Thesnaar 2011:28).

### **3.6.3 Forgiveness in politics**

McDonald (2008:236) pointed out that there is a view that forgiveness in politics is either impossible or irrelevant, and argued that this is a negative view and is wrong. In this, he explained that politics is a substitute for war, not war itself, and that those who move subjects by terror and force rather than by persuasion are not politicians at all, but tyrants and dictators.

McDonald (2008:239) pointed out that although governments may apologise, governments do not forgive; forgiveness comes only from the inner pain and spiritual discipline of an individual person. This explains the individualistic approach taken by the TRC.

Reflecting on the TRC, McDonald (2008:240) expressed that it was created by a government, which might perhaps be unique in history, but the long-term outcome remains uncertain. As every political community is different, it is not possible to presume that the TRC is easily transferable as a model for other societies.

McDonald (2008:241) pointed out that from the 600 nominees suggested by the public, a careful selection process produced the 18 commission members who were finally named by former president Nelson Mandela. He appointed Anglican Archbishop Desmond Tutu

as the chair of the TRC, and Alex Boraine, the former president of the Methodist Church, as the vice chair. It was the skill and stature of Archbishop Tutu that was important for the success of the TRC (McDonald (2008:241). This was seen in cases where passions became too heated, he would stop the proceedings for a prayer or a hymn.

McDonald 2008:241) alluded that these were practices impossible to imagine in Western secular courts.

### **3.7 Developments of interpretation not addressed in the previous subsections**

This last section examines other factors which have shaped the South African society. A discussion of these will further portray the extent to which the apartheid regime influenced not only the governance of the country but also the physical living spaces South Africans found themselves in; most of which are still apparent in current society.

#### **3.7.1 The effects of apartheid on the landscape**

Labuschagne (2013:113), using the words of Hoetzel (n.d.), believed that apartheid as a closed system had an enormous influence on the architecture in South Africa, and that the politics were reflected in the buildings. He explained that architecture in other countries does not reflect such vivid testimony of history, politics, and social division than that of the buildings in South Africa. Labuschagne (2012:27), citing Schonfeldt (2006), stated that his report showed that in 1992, out of almost 92% of all declared monuments in South Africa, a staggering 97% of them were reflective of whites' values and interests. Labuschagne wrote that the new government initiative to establish museums to correct the imbalance was commendable. On the other hand, it was important that these new additions were constructed in a manner that could "bring justice and reconciliation" to a divided country and not emphasise the divisions in the country. He also warned that it should be acknowledged that the dynamics of the process are a contested endeavour in an ever-changing political environment.

#### **3.7.2 The effects of propaganda**

Thesnaar (2011:32) mentioned that through the control of the South African Defence Force (SADF) during apartheid, there were visits to predominately white schools, and this

subjected the white scholars to propaganda. The result of this was a “fear of the other” that was instilled in the pupils.

This contributed to a situation where most white males concluded that it was their obligation to serve in the armed forces. Thesnaar (2011) explained that in the current South Africa, whites feel that they are discriminated against because of the policy of affirmative action and sporting quotas. This has also resulted in many white people losing their jobs and not being able to find new jobs. This in turn leads to a lot of frustration and violent behaviour. Thesnaar (2011) stated that in order to address the challenges of violence, we need to understand the complexities surrounding the so-called “victim and perpetrator” interrelationship.

Propaganda also gained influence in other public spheres. Led by the Minister of Posts and Telegraphs, Dr Albert Hertzog, propaganda saw itself being broadcasted via the state broadcasting network for blacks, Radio Bantu (Historical Papers 2012:10). Radio Bantu, which was part of the South African Broadcasting Corporation (SABC), broadcasted 700 hours weekly in at least seven African languages (Historical Papers 2012:10). In Hertzog’s statement, he mentioned that “radio is the only way to get through to the Bantu and to reach his soul”. Bantu is a label given to those of African descent, which spread from the great lakes of Central Africa down towards Southern Africa.

To the whites, various publications and broadcasts ensured that propaganda would result in information the government wanted disseminated to white communities. With crude SADF propaganda caricatures titled, “The terrorists eat your food, the SA soldier helps you grow them”, their propaganda slogan of “winning hearts and minds” ensured that their message reached their desired audience. According to one of the SABC annual reports, it was stated, “Because of the dangerous times we live in, the television service made a point of stressing the need for spiritual, economic, and military preparedness” (Historical Papers 2012:10).

The above merely seeks to illustrate the extent to which the regime went to influence South African society.

### **3.7.3 The Dutch Reformed Church**

Thesnaar (2013:55) pointed out the hesitance of the Dutch Reformed Church (DRC) to make a submission before the TRC. This also reflected on the media's negative rhetoric towards the inception of the TRC. In some of the media's public comments, it referred to the TRC as a witch hunt that was one-sided and sought to place the Afrikaner in the dock. This negativity caused many from the Afrikaans community to be sceptical and mistrusting towards the work of the TRC in dealing with the apartheid past. However, Thesnaar (2013:58) highlighted that there were some on the board of faith communities who had spoken in opposition of apartheid, although the manner in which they expressed this opposition might have differed. This was evident in the voices and publications from within the DRC that challenged churches' support of the apartheid system.

Thesnaar (2013:59) wrote that the DRC failed to keep itself at a considerable distance from the relations with the apartheid system, as would be expected of a prophetic church.

Finally, in its submission to the Commission, the DRC stated the issues which came with the apartheid system. These, amongst others, included the issue of separate churches due to skin colour, black and white ministers who supported the struggle for liberation often being targets of the security forces, the Group Areas Act, the forced removals, members resettled in different places, lost property (schools and churches) that had to be built in other areas with all the costs involved, detention without trial, arrests, torture, persecution, subsidies withdrawn, racism, migrant labour, poor education, destruction of home and family life, structural and emotional violence, prohibition of mixed marriages, the "holy war" against communism, polarisation, indescribable suffering, and victims of bombings who grieved materially, psychologically, and physically (Thesnaar 2013:63).

When reflecting on the DRC, Thesnaar (2013:63) questioned whether it had been truthful and whether the church could be trusted. He further questioned the integrity of the church by pointing out the fact that the church had received money from the state to support its goals. On the other hand, Thesnaar (2014:2) acknowledged the ability of churches to reach out to communities and to exert a moral influence, which may bring about a potentially powerful role in society. This, however, required the church to have a clear

commitment, an understanding of the various dimensions of problems which exist, and of the clear dynamics in the fostering of reconciliation.

### **3.8 Summary and conclusion**

Chapter Three dealt with the various interpretations and discussions regarding the TRC, and the concepts of forgiveness, reconciliation, and the politics involved, including the various other impacts the apartheid system had on South African society.

These interpretations have alluded to the various limitations regarding the Commission in dealing with the issues South Africa faced in terms of its past and the use of the concepts of forgiveness and reconciliation. It also highlighted the Commission's strides and contribution to the South African transition to the new democracy by reflecting on what had been achieved in Kempton Park, and the direction the Commission took.

With the above understanding in place, Chapter Four will look exclusively at the primary sources of the Commission. It will thus attempt to look through the Commission's eyes to see what it dealt with, and the thought processes in the decisions that it had to take.

## **Chapter Four**

# **THE NORMATIVE TASK: THROUGH THE EYES OF THE COMMISSION**

### **4.1 Introduction**

The normative task examines the ideal picture of what the TRC thought ought to happen. This will be done by reflecting on the terms of the Promotions Act which governed the Commission and the reports which were finally submitted at the end of its processes. This assessment will help bring to light how the Commission dealt with its mandate and issues it had at the time, and, most importantly, what it thought, how it understood the concepts, and what it proposed should happen on the road to reconciliation.

This chapter will thus deal with these primary sources in an effort to understand the first-hand experiences of the Commission's work – thus looking through the Commission's eyes. This will be done by firstly looking at the Promotions Act, followed by a discussion of the five reports.

### **4.2 The Promotions Act**

The TRC was legislated to provide for the investigation and the establishment of a complete-as-possible picture of the nature, causes, and extent of the gross violations of human rights committed during the period from the 1<sup>st</sup> of March 1960 to the 6 December 1993. The cut-off date was later extended to 11 May 1994. This picture was to include the conflicts of the past, the fate and whereabouts of the victims of such violations, and the granting of amnesty to persons who made full disclosure of the relevant facts relating to acts associated with political objectives. These acts had to have been committed in the course of the conflicts which occurred during the period covered by the Commission (RSA 1995:1).



The Promotions Act begins by giving the various definitions of the concepts used. This, among others, defines what is meant by gross violation of human rights, the various structures which existed in the Commission, the role players, and ends with a definition of victims.

The Promotions Act defines “gross violation of human rights” as the killing, abduction, torture, or severe ill-treatment of any person, or any attempt, conspiracy, incitement, instigation, command, or procurement to commit such an act (RSA 1995:3). However, it made it clear that this only covers those which emanated from conflicts of the past and which were committed during the period of 1 March 1960 to the cut-off date. This also covered acts which were committed within or outside the Republic, and the commission of which carried out, advised, planned, directed, commanded, or ordered, by any person acting with a political motive (RSA 1995:3).

In defining victims, the Promotions Act states that this term includes persons who, individually or together with one or more persons, suffered harm in the form of physical or mental injury, emotional suffering, pecuniary loss, or a substantial impairment of human rights, which resulted from such a person intervening to assist persons contemplated above, who were in distress or to prevent victimisation of such persons (RSA Volume Four 2009d). This very definition of “victim” is criticised throughout the study by stating that it failed to recognise South Africa’s historical past in regard to how colonialism shaped the nation and the landscape and brought about oppression of the natives. It also neglected to reflect on those who were forcefully removed and oppressed by the apartheid system in a manner that saw their socioeconomic wellbeing being negatively affected, thus it left a large number of the population who suffered and fell victim to the apartheid system unaccounted for, as the definition makes no provision for them.

The sections that follow in the Promotions Act further address the establishment and seating of the TRC, its objectives, the functions of the Commission, its constitution, matters which dealt with the acting chairperson, conditions of service, remuneration, meetings of the Commission, and the principles which governed the Commission when dealing with victims (RSA Volume Four 2009d:10).

The Promotions Act then addresses the establishment of the three committees, namely the Committee of Human Rights Violation, the Committee of Amnesty Mechanisms and Procedures, and the Committee of the Reparation and Rehabilitation of Victims (RSA Volume One 2009a:20). It outlines these committees' constitutions, powers, duties, and functions, and the manner in which they ought to operate.

Lastly, the Promotions Act contains the General Provisions of the TRC, stating its independence, its ability to decide whether to disclose the identities of applicants and witnesses, and its confidentiality on matters regarding information, offences, and penalties. It also includes the President's Fund, the completion and dissolution of the Commission's work, the publication of the final reports, and the powers of the minister and his/her appointment of committees (RSA Volume Two 2009b:6-35).

What is also visible is that the report emphasised the transparent nature of the Commission, and that, in comparison to similar commissions in the world, the TRC did not meet behind closed doors (RSA Volume One 2009a:1).

It further states that one of the main tasks of the Commission was to uncover as much as possible of the truth about past gross violations of human rights. However, it reported that it was a difficult and often very unpleasant task (RSA Volume One 2009a:48).

The report noted that one compromise reached between the ANC and the NP when the Bill was discussed in Cabinet was that amnesty hearings should be held behind closed doors. This was, however, met with contestation from human rights organisations and other NGOs, who successfully won the case on the principle of open hearings, except where it defeated the ends of justice. The Bill was then signed into law by the president on 19 July 1995 and thus came into effect on 1 December 1995, after the commissioners had been appointed. This process allowed for the transparency of the appointments (RSA Volume One 2009a:53).

Despite the fact that the legislation gave the president the authority to decide who would serve on the Commission, former president Mandela decided to appoint a broadly representative committee to assist him in the process of identifying the commissioners (RSA Volume One 2009a:53).

The main difference between the South African TRC and other commissions around the world was that the South African commission was the first to be given the power to grant amnesty to individual perpetrators (RSA Volume One 2009a:54). This significant difference can be found in the Commission's powers to subpoena, search, and seize, which made it much stronger than other truth commissions. The report stated that this led to more thorough internal investigations and direct questioning of witnesses, including those who were implicated in violations but who had not applied for amnesty. It also stated that the very public process of the South African commission also distinguished it from other commissions (RSA Volume One 2009a:54).

It is important to note that from the onset the Commission recognised the difficulty to simultaneously carry out all the tasks required of it (RSA Volume One 2009a:58). Thus its first act was to address the question of the restoration of the human and civil dignity of (individual) victims of past gross human rights violations. During the second half of the Commission's life (from approximately the middle of 1997), the Commission then shifted its focus to the stories of individual victims in an attempt to understand the individual and institutional motives and perspectives which gave rise to the gross violations of human rights under examination (RSA Volume One 2009a:58).

From the onset, the commissioners expressed some discomfort with the use of the word "victim". They stated that victims are acted upon rather than acting, suffering rather than surviving (RSA Volume One 2009a:59). They further explained that the term might therefore be seen as insulting to those who consider that they have survived apartheid and emerged victorious. Unlike the word "victim", the word "survivor" has a positive connotation, implying the ability to overcome adversity and even to be strengthened by it (RSA Volume One 2009a:59). However, for the sake of consistency, the Commission ultimately decided to keep the language of the Promotions Act and use the word "victim". Regardless of doing so, it acknowledged, however, that many described as victims might be better described and indeed might prefer to be described as "survivors".

The report stated that the Commission was obligated by the statute to deal "even-handedly" with all victims. Its actions when dealing with individual victims were guided, amongst other things, by the principle that "victims shall be treated equally without

discrimination of any kind". In so doing, it acknowledged the tragedy of human suffering wherever it occurred (RSA Volume One 2009a:65).

In its work, the Commission was obligated to identify all persons, authorities, institutions, and organisations involved in gross violations of human rights. This meant that it had to go beyond the investigations of those who had actually committed gross violations of human rights. As stated by the report, this was consistent with the definition of gross violations of human rights, which include attempts, conspiracy, incitement, instigation, command, or procurement to commit such acts. The Commission thus based its conclusions on the evidence brought before it; firstly by the people who made statements concerning gross human rights violations, and secondly, by amnesty applicants (RSA Volume One 2009a:87).

The Commission stated that it had several debates to wrestle with. One which stood out was the mandate to paint the backdrop against which human rights violations occurred. Thus it questioned that without some sense of the "antecedents, circumstances, actors, and context" within which the gross violations occurred, that it was almost impossible to understand how, over the years, people who considered themselves ordinary, decent, and God-fearing found themselves turning a blind eye to a system which impoverished, oppressed, and violated the lives and very existence of their fellow citizens (RSA Volume Four 2009d:1).

The Commission further questioned how so many people, those working in the many influential sectors and institutions, reacted to what was happening around them: "Did they not know it was happening?" The Commission further asked that if this was the case, that if they did not want to believe that it was happening, from where did they derive their ignorance or their misunderstanding? The Commission sought to understand why was it only with hindsight that so many privileged members of society were able to see that what they lived through was a kind of madness, and that for those at the receiving end of the system, a kind of hell (RSA Volume Four 2009d:1).

However, the Commission understood and explained that the one thing one needed to remember is that the greater majority of South Africans knew only one system of government. This meant that those who were born, went to school, took jobs, and raised

families knew only one society, namely the apartheid society. To those who reaped its benefits, it was an extremely comfortable society, and that it was important to note that they knew no other as it was a closed world, surrounded by fences, prohibitions, and some terrible assumptions about their fellow countrymen and women (RSA Volume Four 2009d:2).

In the midst of all this, the Commission acknowledged that there were those, from the hearts of the privileged community, who not only knew what was happening, but condemned it. This, in the process, resulted in they themselves being victims of government action. But, significantly for this argument, their credibility was frequently also questioned by those around them and their own communities. The Commission wrote that part of the explanation lies in the state's demonisation of its opponents and, quite probably, in a wish to avoid the obligations that knowledge implied. Yet the question remains, "If some knew, why did the others not know and believe?" (RSA Volume Four 2009d:2).

In the search of this answer, the Commission began to host a number of hearings on the role of some of the influential sectors of apartheid society. With limited time and resources, the Commission had to focus on its limits (RSA Volume Four 2009d:2). It identified a number of institutions, namely the media, businesses, prisons, the faith community, the legal system, and the health system. The Commission stated that all these sectors had over the years come under attack for what was seen by some as their complicity with the apartheid system. The Commission sought to find out how these institutions saw themselves and how, brought together with those who had opposed them, a part of the mystery of the South African evil could be unravelled (RSA Volume Four 2009d:2). For this, the Commission saw the importance for both sides to be present to be able to speak at the hearings about their perceptions and experiences. Sometimes the Commission was successful in obtaining the participation of all role players, but at other times it was not (RSA Volume Four 2009d:2).

The report (RSA Volume Five 2009e:3) stated that the hearings were to have a ceremonial aspect. The chairperson's opening remarks were often preceded by prayer, by the lighting of a memorial candle, and by hymns or songs. It further stated that when

Archbishop Tutu presided, he wore his purple robes, lending his own special presence to the occasion. However, the report stated that these religious aspects were sometimes criticised, mainly for being or having a Christian focus. It further noted that it later became clearer that this was not inappropriate in a country where a considerable majority of the population is Christian.

The Commission empathised and stated that it dispelled the “myth that things can be done with magic dust, to bring people together, and then just start working together”. These are stages, it noted, in reconciliation (RSA Volume Five 2009e:435).

### **4.3 Forgiveness**

In the words of the chairperson, the Archbishop stated that the country should celebrate its diversity and differences, and that “God wants us as we are”. He further mentioned that South Africa wants and needs “the Afrikaner, the English, the Coloured, the Indian, and the Black”. “We are sisters and brothers in one family, God’s family”, and that “having looked the “beast” of the past in the eye, having asked and received forgiveness and having made amends, let the doors on the past close, not in order to forget it but in order to not allow it to imprison us” (RSA Volume One 2009a:22).

In stating the relationship between the truth and reconciliation, the Commission explained that one must guard against simplistic platitudes such as “to forgive is to forget”. It further pointed out that it was also crucial not to fall into the error of equating forgiveness with reconciliation, and that “the road to reconciliation requires more than forgiveness and respectful remembrance” (RSA Volume One 2009a:117).

Throughout the reports, it was visible that the term forgiveness was apparent, especially in the commentary of the Archbishop. It is not catered for, however, in the Promotions Act, and thus its understanding seems to resonate from the clergyman’s personal capacity in dealing with this concept.

The visibility of the term is also mostly seen to be followed by that of reconciliation. Thus it is never seen as standing alone, but rather complements the concept of reconciliation.

What is certain is the fact that the Commission acknowledged the extent of the trauma experienced by victims to be one that is incalculable; reaching far beyond those it could

approach (RSA Volume One 2009a:371). By acknowledging its limitations, it thus stated that the best it could provide was an attempt to cater for the immediate needs of the victims and where it was possible, to refer them for further help. It did, however, mention that the extreme scarcity of mental health services in South Africa, which is indeed one needed for all South Africans, will depend on the ability of the new government to work towards the provision of adequate services (RSA Volume One 2009a:371).

The Commission (RSA Volume Four 2009d:91) found that Christianity, being the dominant religion in South Africa, had promoted the ideology of apartheid in a range of different ways. Amongst others, it had overtly promoted biblical and theological teachings in support of apartheid, as was the case in the Dutch Reformed Church. However, it also acknowledged that there were those within the religious communities who had boldly resisted apartheid and paid a heavy price for doing so. It thus also mentioned that all the religious groups that appeared before the Commission acknowledged their complicity in apartheid.

The Commission raised a point and stated that the failure of the religious communities to give adequate expression to the ethical teaching of their respective traditions, all of which stand in direct contradiction to apartheid, contributed to a climate in which apartheid was able to survive (RSA Volume Four 2009d:91).

In conclusion to the report given by the Commission in regard to the faith communities, the Commission pointed out that the missionary and colonial initiative which undermined African culture and traditional religions, a practice that has continued to be perpetuated in many cities today, required careful reassessment by all religious communities. The Commission further stated that Christianity has, because of its historic and power relations, a special responsibility in this regard, as religious communities need to share responsibility for the undermining of cultural and religious identity – not least among many urbanised African youth. The Commission highlighted that the reaffirmation of *ubuntu*, which is grounded in African culture and increasingly supported by other religious groups, required other established religions to gain a new understanding of traditional African religious symbols and beliefs (RSA Volume Four 2009d:92).

Also highlighted in the report was that the Commission heard acknowledgement from a range of individuals and representatives of various institutions regarding their direct and indirect involvement in gross human rights violations. Many offered unqualified apologies for their acts of commission and/or omission and asked for forgiveness. As stated by the report, the response of the others was qualified. In the process, the role of sincere apologies in the reconciliation process emerged. While insincere apologies added insult to injury, honest apologies encouraged forgiveness by “helping to pour balm on the wounds of many” (RSA Volume Five 2009e:382).

The Commission stated that with regard to the crime of apartheid (and its evils), there was much rhetoric about how whites or Afrikaners should acknowledge the violations, accept the responsibility, apologise to blacks, and experience the liberation of their forgiveness (RSA Volume Five 2009e:443).

The Commission mentioned that the religious paradigm was tendered as a solution for our ills and that there is a call for representative confession, repentance, and forgiveness. It further highlighted that experience shows that, despite “handsome apologies” by leaders in virtually every sphere of Afrikaner society, there were continued calls for an Afrikaner leader to stand up and apologise in order to experience the level and extent of black readiness to forgive.

It is clear that it is the same Christianity which perpetrated and allowed the existence and even biblically condoned it that was now asked to help the processes of the TRC. This visible contradiction leads one to question whether the church can be trusted again to lead us to our desired future.

The Commission mentioned that national unity accepts different communities, cultures, value systems, religions, and even accepts different histories – provided there is some shared history. It further wrote that the work and activities of the Commission will certainly contribute to the further development of a shared history. However, such a history cannot be force-fed (RSA Volume Five 2009e:443) because reconciliation is built on a mutual understanding and acceptance of these differences and a capacity of people to manage conflict and live with others (RSA Volume Five 2009e:443).



The Commission established that if we could arrive at a position where we simply acknowledged the conflicts of the past (as required by the Promotions Act), recognising that there were perpetrators and victims of gross human rights violations in these conflicts, then we would have advanced some way towards national unity. It further stated that if we could reframe our history to include both perpetrators and victims, as victims of the ultimate perpetrator, namely the conflict of the past, we will have fully achieved unity and reconciliation and an awareness of the real threat to our future.

#### **4.4 Reconciliation**

The Promotions Act states that the Constitution of the Republic, in its pursuit of national unity, the wellbeing of all South African citizens, and peace, requires reconciliation between the people of the country and the reconstruction of society (RSA 1995:2). It further mentions that in order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of the acts, omissions, and offences associated with political objectives committed in the course of the conflict of the past (RSA 1995:2).

The report stated that it was amazing that the majority of the people, the bulk of which were victims, have said that they believe reconciliation is possible. However, it highlighted that there have been erroneous notions regarding what reconciliation is about. The Commission thus stated that reconciliation is not about being cosy or pretending that things were other than they were. It also pointed out that reconciliation based on falsehood, on not facing up to reality, is not true reconciliation (RSA Volume One 2009a:17).

The Commission, however, did not give a clear, specific, and explicit definition of reconciliation. Its definition rather reflected its understanding of the concept by the notions captured in various statements and implicitly stated descriptions of what reconciliation is, and what it is not.

As captured in the report, the Archbishop pleaded with South Africans to bring themselves to respond with “generosity and magnanimity”. He pointed out that when one confesses, one confesses only one’s own sins, not those of another. An example was given of a husband and wife; stating that when a husband wants to make up with his wife, he does

not say, “I’m sorry, please forgive me”, and includes that “but darling, of course you too have done so and so”, as that is not the way to reach reconciliation. Tutu further stated that he hoped there would be a white leader who would say, “We had an evil system with awful consequences. Please forgive us”, without qualification. He emphasised that if that were to happen, then we would all be amazed at the response (RSA Volume One 2009a:18-19).

The Commission understood that for there to be reconciliation, the various parties would have to meet in order to promote the mandate to bring forth reconciliation. In this the Commission explained that it was required of it to be sensitive to a wide range of different perspectives and beliefs concerning past conflicts. In its attempt to reflect accurately and to understand these perspectives, the Commission endeavoured to include people representing different positions in its public hearings. It also made repeated attempts to include those political groupings, such as the Inkatha Freedom Party (IFP) and others, who chose not to participate in the activities of the Commission (RSA Volume One 2009a:69).

It also understood that the reconciliation process would have to happen on different levels. Some of these levels would have complex links between them. These dealt with issues such as coming to terms with the painful truth, reconciliation between victims and perpetrators, reconciliation at a community level, promoting national unity and reconciliation, and lastly, the matter of reconciliation and redistribution (RSA Volume Five 2009e).

The Commission pointed out that a common criticism against it was that it had been strong on the truth but made little or no contribution to reconciliation (RSA Volume Five 2009e:306). In this, it recognised that while the truth may not always lead to reconciliation, there can be no genuine, lasting reconciliation on which to build the new South Africa. It further pointed out that it was readily considered impossible for one commission, with a limited life span and resources, on its own, to achieve reconciliation against the background of decades of oppression, conflict, and deep divisions.

The continued vagueness of the Commission in terms of this reconciliation it mentioned made it hard to conceptualise this reconciled world that it strove to build, thus leaving it open for anyone's interpretation.

The Commission (RSA Volume Five 2009e:306) also accepted that if reconciliation and unity were to become a reality in South Africa, the energy and commitment of all its people would be required. It further mentioned that while the Commission may have made a small contribution to laying some foundational stones, proactive steps from all institutions, organisations, and individuals were required if the building was to be completed.

However, there is the question of what ought to be done with those who refused and dismissed the work of the Commission. Most were especially individuals who were prominent leaders in communities. This process rather reflected an optimistic Commission that things would "hopefully" change, but it failed to reflect on the possibility that this might not occur. What ought to happen then?

The report (RSA Volume Five 2009e:306) then wrote of the Commission's life, the commissioners, and the staff who travelled the length and breadth of South Africa. It reported on the hearings held in the rural towns and urban cities, in small and large church halls, dignified city halls, the offices of NGOs, school classrooms, and magistrates' courts. It explained the manner in which the Commission tried to listen, not passively but proactively, to the voices that had for long been silent. And as it listened to stories of horror, of pathos, and tragic proportion, it became aware again of the high cost that has been paid by so many for freedom.

The Commission then reported that after a long journey with the many different and challenging experiences, it concluded that all of South Africa (rural, urban, black, white, men, women, and children) had been caught up in oppression and resistance that left no one with clean hands. Reconciliation is thus necessary for all, because all need to be healed (RSA Volume Five 2009e:307).

The Commission reiterated and reinforced in its conclusions the view that reconciliation is not something the Commission can achieve alone. It believed that reconciliation without cost and pain is cheap, shallow, and must be spurned. Those who, through the

Commission, witnessed the scars on so many human bodies and spirits, as well as the deep scars on the country as a whole, found themselves unable to remain onlookers. They came to acknowledge their own complicity, their own weakness, and accepted their own need for healing (RSA Volume Five 2009e:307). The report further stated that it was in the spirit of listening, sharing, and acknowledging its own need for reconciliation that the Commission invited fellow South Africans to share a commitment to reconciliation and unity (RSA Volume Five 2009e:307).

The Commission (RSA Volume Five 2009e:308), in one of its goals, stated that there would be no repetition of the past, and that for reconciliation to have any chance of success, it is imperative that a strong human rights culture be developed. The Commission recognised, however, that for such culture to become a reality, a number of simultaneous actions would have to take place. One can assume that these actions are those that were referred to in their recommendations. However, the report did not make clear in this statement whether they were captured there or not.

The Commission (RSA Volume Five 2009e:349) recognised that reconciliation is a process which is never-ending, is costly, and often painful. It wrote that for this process to develop, it is imperative for a democratic and a human rights culture to be consolidated because reconciliation is centred on the call for a more decent, more caring, and more just society. It mentioned that it is up to each individual to respond by committing themselves to concrete ways of easing the burden of the oppressed and empowering the poor to take their rightful place as citizens of South Africa.

The report pointed out that the Commission sought to highlight the deep damage inflicted by past gross human rights violations on human relationships in South Africa (RSA Volume Five 2009e:350). It also recognised that while the main conflict was between a state representing a white minority and an oppressed black population, the conflict found expression in various ways and involved different sections of the population, exploiting and creating divisions within and between communities. This included the young, the old, men and women, members of the same family or organisation, neighbours, and different ethnic and racial groups, who often turned against one another.

People were victimised in different ways and a range of gross human rights violations were committed. This resulted in demands for extensive healing and a social and physical reconstruction at every level of society. The Commission explained that these different needs themselves competed with one another, leading to fresh conflicts. As a result, this created a complex and long-term reconciliatory process with many dimensions (RSA Volume Five 2009e:350). However, it did not elaborate on what these conflicts were or may be, and what these long-term processes would require or mean, neither did it describe what the many dimensions would be.

The Commission (RSA Volume Five 2009e:350) further expressed that with its short lifespan and limited mandate and resources, it was obviously impossible for it to reconcile the nation. However, in a few selected moments from the lifespan of the Commission, it did recognise significant steps made in the reconciliation process. The Commission reported that some of these moments became beacons of hope, while some warned of pitfalls. Ultimately, the report highlighted that together these moments constituted a signpost on the long road towards making individual, communal, and national reconciliation a living, lasting reality in South Africa (RSA Volume Five 2009e:350).

The Commission highlighted that a weak form of reconciliation may often be the most realistic goal towards which to strive; it stated that this would at least exist at the beginning of the peace-making process (RSA Volume Five 2009e:400). It mentioned that this form of reconciliation, a reconciliation without forgiveness, without apologies by those responsible, or the forgiveness by victims, as could be seen in the reflected testimonies received by the Commission, is exemplary of this form of reconciliation.

The Commission seemed to be accepting of the reality that some were not going to forgive, nor would some apologise for their actions. It seems as though the commissioners had to work with what they were given. But was this enough? Was this going to be adequate to initiate the reconciliatory process needed to transform society?

The Commission recognised and realised that reconciliation does not come easily, as it is a process that requires persistence and that takes time (RSA Volume Five 2009e:435). It is a concept that is also based on respect and a common humanity. The Commission explained that reconciliation involves a form of restorative justice, which does not seek

revenge, nor does it seek impunity. In this, it restores the perpetrator to society, a situation which needs to emerge within which he or she may contribute to the building of democracy, and a culture of human rights and political stability.

The report stated that the full disclosure of truth and an understanding of why violations took place encourage forgiveness. It highlighted that the readiness to accept responsibility for past human rights violations is equally important. By this, reconciliation does not wipe away the memories of the past; it is rather motivated by a form of memory that stresses the need to remember without debilitating pain, bitterness, revenge, fear, or guilt. The report wrote that reconciliation understands the vital importance of learning from and redressing past violations for the sake of the shared present and the next generation's future. It did, however, state that reconciliation does not necessarily involve forgiveness, but it does involve a minimum willingness to co-exist and work for the peaceful handling of continuing differences (RSA Volume Five 2009e:435).

The report mentioned that reconciliation requires all South Africans to accept a moral and political responsibility for nurturing a culture of human rights and democracy within which political and socioeconomic conflicts are addressed both seriously and in a non-violent manner. Moreover, reconciliation requires commitment, especially from those who have benefited and continue to benefit from past discrimination, to the transformation of unjust inequalities and dehumanising poverty (RSA Volume Five 2009e:435).

The Commission noted that national unity and reconciliation are to be understood as a single concept, like the concept of the TRC as it is a single idea. The Commission further warned that to think or argue that there is no national unity without reconciliation and no reconciliation without truth would be to imply that the Commission must achieve or pursue its mandate in stages. It further stated that this was not the form of the Promotions Act, as it was not in keeping with the spirit of the postamble to the interim Constitution. The postamble states that the Constitution is the foundation for transcending division and strife. In addition, the postamble is in a sense "eschatological" in its essence. It suggests that unity is to be achieved, nurtured, and promoted among all the different views and understandings (RSA Volume Five 2009e:439).

## 4.5 Politics

The term “politics” here should be understood as defined in Chapter Two; that it is the act of negotiating to reach a settlement without the need of coercive force. Thus, what should be emphasised is the term “negotiations” in the political process.

The Commission was aware that the journey to the new democratic dispensation could not occur without facing the country’s recent history (RSA Volume Five 2009e). It further explained refraining from using the post-World War II approach of putting those guilty of gross violations of human rights to trial, as the Allies did at Nuremberg. This was due to the fact that South Africa had faced a military stalemate, which stated that the Nuremberg approach was clearly an impossible option. It further mentioned that neither side had defeated the other, thus nobody was in a position to enforce the so-called victor’s justice.

However, it pointed out that there were also other compelling reasons for the establishment of the Commission. The Commission stated that there was no doubt that members of the security establishment would have scuppered the negotiated settlement had they felt that they were going to be prosecuted for their involvement in past violations. In that there was a realisation that the country would not have experienced a reasonably peaceful transition from the past regime to democracy (RSA Volume One 2009a:5). The Commission stated this as highlighting the various criticisms which have been lodged against it regarding the granting of amnesty, as provided by its founding in the Promotions Act. In this, the Commission also stated that the mere fact that there was a luxury of being able to complain, illustrated the benefits that would be reaped from a stable and democratic dispensation.

In this, it expressed that had the “miracle” negotiations not occurred, there would have been an overwhelming bloodbath that had been virtually predicted as the inevitable ending for South Africa (RSA Volume Five 2009e). It mentioned that the other reason the Nuremberg approach was not a viable option was that the country simply could not afford the resources in time, money, and the personnel that would have been necessary to invest in such an operation. For these reasons, it stated that the nation, which negotiated

the transition from apartheid to democracy, chose the option of individual and not blanket amnesty.

The report wrote that the Commission has been criticised for being loaded with so-called “struggle” types, which it defined as people who were pro-ANC, SACP, or PAC (RSA Volume One 2009a:9). To this allegation the Commission responded by stating that none of the commissioners chose themselves or had put their names forward, but rather that they were nominated in a process open to everyone, whatever their political affiliation or lack thereof.

The TRC was conceived as part of the “bridge-building” process designed to help lead the nation away from a deeply divided past to a future founded on the recognition of human rights and democracy (RSA Volume One 2009a:48). It was founded on the belief that in order to build the “historic bridge”, there is need to establish a complete-as-possible picture of the injustices committed in the past (RSA Volume One 2009a:104). This must be coupled with a public and official acknowledgement of the “untold suffering” which resulted from those injustices. It is these goals to which the Commission had to contribute.

The Commission wrote that the apartheid system was maintained through repressive means, depriving the majority of South Africans of the most basic human rights, including civil, political, social, and economic rights (RSA Volume Five 2009e:125). This legacy resulted in a society in which vast numbers of people suffered from pervasive poverty and lack of opportunities. Moreover, those who were directly engaged in the armed conflict in particular suffered all kinds of consequences.

The Commission further stated that the consequences of repression and resistance included the physical toll which took place by means of torture and other forms of severe ill treatment. It also pointed out the multiple psychological effects that were amplified by other stresses of living in a deprived society. This explains the lingering physical, psychological, economic, and social effects that were felt in all corners of South African society. The implications of this extended beyond the individual, to the family, the community, and the nation (RSA Volume Five 2009e:125).



The Commission highlighted that when considering the consequences of gross human rights violations on people's lives, it was hard to differentiate between the consequences of overt physical and psychological abuses and the overall effects of apartheid itself. It stated that this made it difficult to form causal links or to assume that violations are the result of a particular experience of hardship. In many instances, however, violations undoubtedly played the most significant role as, for example, when a breadwinner was killed or when the violation caused physical disabilities, which affected individual and family incomes (RSA Volume Five 2009e:125)

#### **4.6 Summary and Conclusions**

This chapter discussed the Promotions Act, the way it was structured, and the mandate the TRC had to fulfil. It then discussed the Commission's report under the heading of the key concepts of forgiveness, reconciliation, and politics.

The aim was to reflect on the work of the TRC in order to understand its processes, and its use and conceptualisation of these key concepts. This will help with the pragmatic task to be carried out in Chapter Five as this study seeks to understand South Africa and the current issues it has, by reflecting on the TRC's past and how it used the concepts to lead the nation towards unity and reconciliation.

## Chapter Five

# THE PRAGMATIC TASK: THE WAY FORWARD

### 5.1 Introduction

This final chapter, on the pragmatic task, examines the strategies and measures needed to enable change in a society or community. This chapter will thus examine how the use and comprehension of the concepts of forgiveness and reconciliation enabled the Commission to draft recommendations which it stated should guide the reconciliatory process.

This is in an effort to understand how the Commission sought to deal with the social issues, some of which are still present in the current society, whether the concepts of forgiveness and reconciliation were adequate to ensure meaningful transformation, and why South African society still experiences some of these social issues.

This will be done by firstly reflecting on what the study has shown. Secondly, an assessment of the effectiveness of the TRC in fulfilling its mandate will be given. Thirdly, an overview of the TRC's recommendations will be provided. Fourthly, a brief discussion will be provided to determine what is needed to continue the reconciliatory processes. The fifth section investigates forgiveness, reconciliation, and politics as part of the title of this study and what the study concludes. The last section makes recommendations for future studies.

### 5.2 What the study has shown

Oppression in South Africa has existed for more than three centuries. From the denial of basic human rights to the numerous massacres the country has since seen, the history

of oppression is one which will for a long time be evident in the psyche and appearance of South African society.

The 1960s came as a turning point when opposition started to gain international ground as countries such as the United Kingdom rallied behind the anti-apartheid slogan. International pressures and the unsustainability of the apartheid regime saw the inevitable dismantling of the apartheid system, to eventually bring about the new, all-inclusive democratic government.

The establishment of the TRC followed soon after the Kempton Park negotiations, and, as stated by Maluleke (2001), it formed part of a negotiated compromise and was not merely its product.

As a model, the TRC has been praised and featured in a number of academic writings across the globe. Although having been criticised by others, it showed the world that forgiveness and reconciliation are possible in the midst of what appeared to be an imminent bloodbath.

The Commission faced a mammoth task; however, guided by the skill and heart of Archbishop Desmond Tutu and his deputy, Alex Boraine, it was able to conclude its mandated tasks and hand over its reports, to what would serve as and be referred to as the “first step to reconciliation” (RSA Volume One 2009a).

The study assessed three key concepts, namely forgiveness, reconciliation, and politics. It gave their respective definitions, and discussed the various understandings and interpretations of these concepts.

This enabled a deeper understanding and outlined the complexity which lies in the concepts and how they are used and defined by the various academic disciplines.

As part of the normative assessment, the study reflected on the primary sources, namely the documents that were directly dealt with by the Commission. These were the Promotions Act, and the five reports that were handed over by the Commission at the end of its processes.

These primary sources were used to identify the understandings and context of the TRC in dealing with the key concepts.

### **5.3 Was the TRC effective?**

As the TRC had stated, it was impossible for one commission with limited time, mandate, and resources to bring about the necessary reconciliation for the whole nation, thus its task was one of beginning the process and giving guidance to the continuation of this process.

What is clear is that the apartheid policy was a government-run machine that ensured that every sphere of society was affected in order for it to be effective. However, the incoming democratic government dismantled this approach and put in place a system that required participation from all citizens. Although this approach was required for a democratic system, it left those who were previously disadvantaged burdened with the rebuilding of this new nation. Vargas (2011:1) wrote that this asked from victims to be heroes, leaving the weight of the future of South Africa in the capacity of the victims to overcome their negative sentiments and to forego their claims of justice.

On the other hand, the TRC outlined that the new government had to step in to ensure the empowerment of the poor and put into place initiatives to remedy the effects of the apartheid legacy, which had left some with the dehumanising reality of poverty, unemployment, and other social issues.

Thus, by evaluating the TRC and its use of the concepts of forgiveness and reconciliation to address its mandated tasks and whether it was effective, this study reiterates the views of Maluleke (2005:112), and asserts that an assessment of the TRC's success therefore cannot be based on whether it has brought contrition and forgiveness, or whether at the end of its work it gave us a united and reconciled society, as these outcomes were not its mandate. However, what the TRC was set to do, and what it has undoubtedly done, was to offer a signpost for the long march to these ideas.

## 5.4 The recommendations

In its fifth report, the Commission made recommendations and stated that it believed reconciliation to be a process that is vital and necessary for enduring peace and stability. In this report, the Commission invited South Africans to accept their own need for healing; the need to build a spirit of tolerance and understanding; to build bridges across the divisions of language, faith, and history; to continue the processes of transformation; and to initiate programmes of education, religion, business, labour, arts, and/or politics so that the process of reconciliation can be implemented from a grassroots level. It also called for the need to address the reality of ongoing racial discrimination and work towards a non-racial society. It finally called upon leaders in local, provincial, and national government to place the goal of reconciliation and unity at the top of their respective agendas (RSA Volume Five 2009e:304)

It thus outlined the recommendations under the following headings:

- Prevention of gross human rights
- Accountability
- Healing and rehabilitation
- Organisation, administration, and management
- Prisons
- Faith communities
- Business
- Legal and judicial
- Security forces
- The health sector
- Media
- Archiving Commission material and granting public access
- Destruction of documents
- Liberation movements
- International human rights

(RSA Volume Five 2009e:304-349).

These recommendations were to fulfil the Commission's mandate as required by the Promotions Act. The Commission recommended the creation of institutions to be conducive to a stable and fair society and that institutional, administrative, and legislative measures should be introduced to prevent the continuation of human rights violations (RSA Volume Five 2009e:305).

Lastly, it highlighted that although the recommendations it gave were separately itemised, they should be seen as part of a whole and as contributing to the quest for overall stability and peace in South Africa (RSA Volume Five 2009e:305).

## **5.5 Continuing reconciliation**

Human (1998:160) wrote that the best strategy in the world is of little use if it cannot be implemented or put into practice. If the process of analysis and strategy development has been done properly, it will, to a certain extent, ensure that the strategy will work in practice.

While looking at the various types of change strategies, Human (1998:163) pointed out that transformation, by comparison, involves fundamental metamorphosis, but this takes place more slowly and perhaps less dramatically. He further wrote that deep changes are engineered over a relatively long period of time, and that a learning process is built into the procedure of change (Human 1998:164).

A transformation strategy aims not to disrupt services or the functioning of the organisation, but to gradually dismantle the old organisation, replacing it with a new organisation little by little. This change takes place within a clear overall framework, in which initiatives are introduced one at a time in a logical order, while outdated elements are gradually shut down or replaced. Because the process may take some time, there is a real risk of being diverted from the planned results (the new core strategy) (Human 1998:165).

There is no doubt that the change strategy in South Africa is that of transformation. Two decades into the new democratic dispensation, it is quite evident that the old regime too reflects itself in the new South African society. As the new government gradually dismantles the old, according to Human (1998), over time there is a risk of diverting from the planned results, or the core strategy. Thus revisiting the past is required in order to

understand the TRC and its recommendations, the core strategy, and thus helping to understand its use of the concepts of forgiveness and reconciliation, and what these concepts meant and now mean to the current society in order to deal with social issues.

Ryan (2007:36) stated that reconciliation is the key concept for Christian approaches to transformation. He exemplified this by quoting from Ray Davey (1985), the founder of the Corrymeela Reconciliation Centre in Northern Ireland, who wrote that “to claim to be a Christian and not to be a reconciler is a contradiction in terms, like a sailor who has never been to sea”.

Avruch and Vejarío (2002 cited in Ryan 2007:36) highlighted that the link between reconciliation and Christianity is demonstrated by the fact that the majority of truth and reconciliation commissions have been established in states with Christian cultures. On the other hand, Ryan (2007:37) mentioned that much was made of the idea that the South African TRC drew its inspiration from indigenous mechanisms for conflict transformation; most notably the concept of *ubuntu*. He also stated that the TRC drew heavily on the Christian idea of reconciliation; this most notably played by the role of the chair, Archbishop Desmond Tutu.

Reflecting the work of Barahona *et al.* (2004), Ryan (2007:37) concluded that the use of the term “reconciliation” in South Africa and Chile was due to the influence that religious figures had on the transitions in both these countries. He also pointed out that concerns over the use of the idea of reconciliation in these cases raised expectations about what could be achieved and which may have led to disappointment with the final outcome. This factor may explain the various negative perceptions of these commissions at the end of their processes.

The new democratic government ushered in a political revolution. This, however, is not enough to ensure transformation, as a social revolution is also needed (Human 1998:50). Human (1998:50) stated that this is a creative, culture-changing process, which can be effected only by maximising the participation of the people and allowing plans and systems to evolve from this process. In this, the state should play the leading role in this transformation process; as the guarantor of the general interests of society, it is the state’s responsibility to do so (Human 1998:50). As required by the TRC, the government was to

take the lead in ensuring the implementation of the recommendations, and also play a role in empowering communities and institutions to ensure the continuation of the reconciliatory processes.

Years of oppression in South Africa have taken a toll on society and enforced a sense of dependence, which means that many communities lack the organisational capacity, leadership, and skills to do things for themselves (Human 1998:50). This means that the state and its institutions therefore have a special responsibility to be proactive in offering communities the leadership they need (Human 1998:50). Human mentioned that communities can achieve self-reliance only if the state first empowers them through participation (1998:50).

In this case the state must both lead and follow. Its task is to simultaneously illustrate, intervene, decide, and impose, while at the same time listening to the people, responding to their demands and wishes, and participating as a stakeholder (Human 1998:51).

Solutions to problems must fit those problems, therefore tools or solutions that are appropriate to specific contexts should be used (Human 1998:54).

Human (2007:54) stated that, in practice, we have to experiment, try different approaches, and learn from our experiences in order to develop solutions that “fit” the problem. He further stated that theory should always follow practice. Because we cannot afford to cling dogmatically to whatever “-ism” we espouse, it is essential to be pragmatic and open-minded.

## **5.6 Forgiveness, reconciliation, and politics**

This study of forgiveness, reconciliation, and politics sought to revisit the TRC in order to understand how the Commission used these concepts to deal with the social issues it faced during its time. This is in an effort to understand why the country currently faces social issues, some of which have been present before and after the TRC. The question of politics comes to light as the need for negotiations was fundamental in ensuring a peaceful transition to the democratic government, which eventually led to the establishment of the Commission.



The concept of forgiveness was defined as one which finds itself to be a personal endeavour that enables a look at past traumatic experiences with less negative and disabling effects; calling itself to enable the wronged to continue with their lives without the need to mend relations with the perpetrator, and that reconciliation calls for a more complex process which might result in many other elements which may include, but goes beyond, that of forgiveness. What is clear is that the TRC, although only mandated for reconciliation, used the concept of forgiveness as a stepping stone to reconciliation.

Thus, what should be of concern to the current society is the concept of reconciliation over that of forgiveness, although the two concepts are complementary. Therefore what is to be learned from the TRC is the recommendations which have been set to ensure the continuation of the process it started. It is therefore up to the government and participation from citizens to ensure the transformation, reconciliation, and unity of South African society.

On the other hand, Maluleke (2008:683) warned that unless we seriously deal with the question of restitution, we might discover the victories of the late 20<sup>th</sup> century, and that of the early 21<sup>st</sup> century dissipate in front of our eyes – if they have not done so already. He pointed out that this restitution should be between the people and the land, the people and history, the people and their institutions, and the people and their knowledge. This, he stated, is what needs to happen between men and women, men and men, women and women, blacks and whites, blacks and blacks, and whites and whites.

He further stated that the new South Africa finds itself avoiding the discourse of the very issues which ought to be central to the unfolding of its own birth, and that this avoidance includes that of restitution, racism, and violence. He furthermore mentioned that the word “restitution” is not preferred but rather the concept of reconciliation, and that both are usually seen as a means to an end; however, the concept of reconciliation is more pleasing to our sensibilities (Maluleke 2008:683).

It is also important to note that the social issues in South Africa are a result of centuries of oppression and laws which saw non-whites disadvantaged and South Africa being one of the most unequal societies in the world. Thus the expectation that the TRC would guarantee that all would be well would have left many disappointed. As Oelofse (2007:70)

explained, one must realise that the existence of a truth commission is no assurance that human rights abuses will not necessarily reoccur in the future. She further mentioned that it also does not necessarily indicate a commitment to real change. Thus, truth commissions as such should not be perceived as something of a panacea. However, she did note that the intention of most truth commissions is to reduce the possibility of the future reoccurrence of these atrocities. It is in this that the hope exists that by publishing an honest, accurate record of the violence, society will learn from its past, and that its more knowledgeable citizens will recognise the signs and prevent any future abuses (Oelofse 2007:70).

It should also be noted that South Africa is a multicultural society. Kotze (2012:94) stated that in contrasting the political structure of a multicultural society, the state should be sensitive to diversity and the politics of belonging within its own territory: "The greater and deeper the diversity in a society, the greater the unity and cohesion it requires to hold itself together and nurture its diversity." Kotze (2012:105) further mentioned that the primary challenge for South Africa still remains in achieving social cohesion through the construction of a South African nation.

## **5.7 Recommendations for future studies**

The following recommendations are provided in terms of the research, the researcher, and improving the study.

### **5.7.1 Research**

In order to have a clearer background and understanding of the topic, an extensive amount of literature is required to build a holistic view of the key concepts of forgiveness, reconciliation, and politics. This also speaks to the TRC as a concept and as a model.

Watching the old archive videos provides the atmosphere and emotions which went through the various TRC community hearings, thus giving one a different understanding and ultimately knowledge when dealing with the text.

### **5.7.2 Researcher**

History places one in a certain point in time, and social identity determines one's race, sex, social class, etc. All of these factors influence the way in which the various materials, especially ones dealing with the TRC, are perceived. Therefore one must be beware of existing presumptions when dealing with issues regarding such sensitive topics.

Let the literature be the guide to formulate understanding and views regarding interpretations.

Constant communication with other researchers or the supervisor is necessary to resolve frustrations which may develop in the course of the study.

### **5.7.3 Improving the study**

More time is required in order to yield richer results. This study saw itself being exclusively a general overview desktop study. Thus in the field, interview and case study research would yield more and more unique information than that which was in this study.

## **5.8 Summary and conclusions**

The study of forgiveness, reconciliation, and politics saw itself revisiting the TRC in order to understand how the Commission dealt with these concepts in order to address its mandate and the social issues that existed. Outlining the history of South Africa established the context in which the Commission found itself, which helped to set the knowledge base when dealing with the interpretation of the key concepts of forgiveness and reconciliation. The normative section reflected on the primary sources in order to understand the work and use of these concepts from the understanding of the Commission.

The pragmatic task showed that the TRC had, as per its mandate, fulfilled its task because it had acted as a signpost to point the direction to be taken to reconciliation, a process that is long term, costly, and requires the efforts of both the government and its citizens.

In all of this, what should be understood is that transformation is a process that is gradual, due to its slow nature of dismantling the old organisation while making way for the new,

and thus simultaneously requires a process of learning and reflection to ensure the direction taken is one which addresses the core strategy of the transformation process.

Ultimately, this process also addresses the social issues South Africa faced, and some of which it still faces, and how the TRC had developed a core strategy to deal with them as it called for all to put in a helping hand in building the nation, while being guided by the government to ensure unity and reconciliation for all.

Hermeneutics as a methodological tool helped with the interpretation of texts to ensure that the context and meaning of the texts were captured in a manner that resembled the original author, the TRC. This was done by linking the four tasks together to ensure the context is established, interpretations given, and the final view that the Commission perceived in terms of the concepts was understood. All the tasks therefore served to ensure the success of the hermeneutical approach – a process that considers both parts and wholes – in order to make sense of the meaning.

There is no doubt that the work of the TRC has ensured that South Africans reflect on and understand their past. These narratives, which served to deter future occurrences of human rights violations, also brought with them the beginning of the healing process.

However, as Maluleke (1997:60) pointed out, what remains to be seen is whether the delicate balance of the TRC's hope for "national reconciliation" will be successfully achieved without judicial justice, which tends to be punitive, or "vengeful", or whether storytelling and the hope for some undisclosed type or amount of reparation will be enough for the victims; and whether the TRC process will be able to unleash a process of national reconciliation.

In conclusion, the best that can be expected from the TRC is that it is to deliver (if at all) a "baby" and not a finished product (Maluleke 1997:83). Moreover, this baby will still need to be nurtured and socialised until all South Africans can feel ownership of and an affinity for it. Maluleke (1997:83), however, warned that there is a danger that this baby will emerge with severe deficiencies, or worse, be still-born. What is clear now is that the baby has been born, whether with deficiencies or not, and it requires the effort of all South Africans to be nurtured and socialised.

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