

How the truth commission got its reconciliation

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To my brothers.

To Andrew Gareth Holbrook, for teaching me the importance of being alive.

To Richard Edward Holbrook, for teaching me the importance of living.

Abstract

This thesis explains how the truth commission got its reconciliation. Truth commissions are one of the most popular mechanisms used to foster reconciliation in the aftermath of violent conflict (Hauss 2003, Borer 2006, Daly and Sarkin 2007, Moon 2008). It is increasingly accepted that for peace to be sustained, a culture of reconciliation must be promoted (Lederach 1997, Montville 2006, Volkan 2006, Daly and Sarkin 2007). To assess the contribution made by truth commissions to reconciliation is thus critical. However, such an assessment is currently stalled by an impasse in the literature, which finds determining reconciliation's meaning complex and operationalising conceptions of reconciliation difficult at the empirical or theoretical level (Daly and Sarkin 2007, Borer 2006). This thesis offers no argument on the general claim that truth commissions reconcile. Instead, explains the insertion of reconciliation within the truth commission model in order to increase future truth commissions' potential for reconciliation.

This thesis argues that South Africa was the first truth commission to be perceived as reconciliation centric. This, it argues, was the result of two things. First, that a politically aware ANC used the word 'reconciliation' to ameliorate feelings of injustice regarding the Commission's amnesty provision and fears of the Commission revealing a painful or dangerous truth. Although its legislators did not intend it to promote reconciliation, the language of the Commission's founding Act was thus softened with a clause instructing that its tasks be carried out with the overarching aim of promoting reconciliation. Second, the Commission was given to Archbishop Desmond Tutu to run. Tutu used his position as Chair of the Commission to propagate his understanding of the Commission's role: to promote reconciliation. This thesis concludes that a Commission not designed to promote reconciliation is not as well suited to promoting reconciliation as one that was.

Contents

| | |
|---|------|
| Abstract | iii |
| Contents..... | iv |
| Acknowledgements..... | vii |
| Abbreviations | viii |
| Chapter 1: Introduction | 1 |
| Conflict resolution | 2 |
| Peacebuilding..... | 4 |
| Lederach's grassroots..... | 5 |
| Reconciliation..... | 7 |
| Truth commissions..... | 9 |
| Transitional justice..... | 11 |
| Truth and reconciliation commissions | 16 |
| Method | 22 |
| The argument of the thesis | 26 |
| The structure of the thesis | 30 |
| Chapter One - Introduction..... | 30 |
| Chapter Two – Beginnings | 30 |
| Chapter Three – Reconciliation | 30 |
| Chapter Four – The Origins of Reconciliation in the SATRC | 31 |
| Chapter Five – Interviewees' Reconciliation | 31 |
| Chapter Six – Finding Reconciliation | 31 |
| Chapter Seven – Promoting Reconciliation..... | 32 |
| Chapter Eight – Conclusions | 32 |
| Chapter 2: Beginnings..... | 33 |
| Building blocks of apartheid | 33 |
| ‘Race’ in South Africa | 37 |
| Racism in South Africa | 39 |
| Origins of opposition | 43 |
| Sharpeville to Biko | 46 |
| Soweto to Total Onslaught | 48 |
| Chaos to democracy | 51 |
| The beginnings of truth commissions | 53 |
| Hayner (1994) truth commissions..... | 57 |
| A false category | 58 |
| Uganda: the first truth commission..... | 60 |
| Argentina: the first precedent | 60 |
| Chile: first reconciliation? | 66 |
| The South African Truth and Reconciliation Commission | 70 |
| Chapter 3: Reconciliation..... | 72 |
| Introduction | 72 |
| Levels of reconciliation..... | 72 |
| Intrapersonal reconciliation | 73 |
| Interpersonal reconciliation | 74 |
| Community reconciliation | 75 |
| National reconciliation | 79 |
| Criticising levels of reconciliation | 81 |
| Components of reconciliation..... | 85 |
| Comprehensive conceptualisations..... | 85 |

| | |
|--|-----|
| Christian models | 91 |
| Empathetic model | 92 |
| Civic trust | 94 |
| Depth of reconciliation..... | 95 |
| Axes of reconciliation | 99 |
| Chapter 4: The Origins of Reconciliation | 101 |
| Introduction | 101 |
| The Rainbow Nation and Madiba Magic | 103 |
| Political will, political necessity and political elites | 108 |
| Reconciliation in the ANC | 109 |
| Reconciliation in the NP..... | 111 |
| Political Necessity..... | 111 |
| The Legal Origins of the Truth Commission | 113 |
| The National Unity and Reconciliation Clause | 113 |
| Amnesty and Reconciliation in History | 115 |
| Amnesty and Reconciliation..... | 116 |
| Debating truth | 117 |
| Adding amnesty | 118 |
| Amnesty, Truth and Reconciliation: Half Way Conclusions | 119 |
| Reconciling Truth Commissions?..... | 121 |
| Dealing with the past..... | 124 |
| Helping victims/third sector concerns..... | 125 |
| Amnesty..... | 127 |
| How the truth commission got its name | 129 |
| The ANC's truth | 131 |
| Conclusions | 134 |
| Chapter 5: Reconciliation in South Africa | 139 |
| Introduction | 139 |
| Inexplicit arguments..... | 140 |
| Mandela's reconciliation | 144 |
| Interviewees' reconciliation | 148 |
| Reconciliation as focused on the past | 149 |
| Reconciliation as peaceful coexistence | 152 |
| Reconciliation as understanding | 156 |
| Conclusions so far..... | 162 |
| Uncommon definitions..... | 163 |
| Reconciliation as relationship building | 163 |
| Reconciliation as forgiveness | 166 |
| Reconciliation as non-vengeance..... | 167 |
| Reconciliation as religiously inspired | 168 |
| Reconciliation as focused on the future/present | 170 |
| Reconciliation as Healing..... | 171 |
| Reconciliation as a morality lesson..... | 172 |
| Conclusions | 173 |
| Chapter 6: Finding Reconciliation..... | 177 |
| Introduction | 177 |
| The SATRC's Reconciliation..... | 180 |
| Contextualising reconciliation..... | 182 |
| Campaigning for a Truth and Reconciliation Commission..... | 183 |
| Legislating for a Truth Commission | 186 |

| | |
|--|-----|
| Finding Truth Commissioners | 190 |
| Becoming the Truth and Reconciliation Commission | 192 |
| Reconciliation Arrives: The First Hearing | 195 |
| Day 1, Mr. Webber | 197 |
| Day 1, Mrs. Galela | 198 |
| Day 2, Mrs. Mfeti..... | 198 |
| Day 2, Miss Mhlawuli..... | 198 |
| Day 3, Mrs Savage..... | 199 |
| Day 3, Mr. Kohl..... | 199 |
| Day 4, Mr. Jordan | 199 |
| Day 4, Mr. Stanford | 199 |
| Insiders' views of a Reconciling Commission | 202 |
| Reconciliation as a Secondary Goal..... | 203 |
| 'Promoting' reconciliation..... | 204 |
| Achieving truth as furthering reconciliation..... | 205 |
| Necessary conditions for reconciliation | 207 |
| Conclusions | 216 |
| Chapter 7: Promoting Reconciliation..... | 218 |
| Introduction | 218 |
| Tutu's role in promoting reconciliation | 219 |
| Reconciling Commissioners..... | 223 |
| Reconciled Commissioners | 224 |
| Managing the Commission..... | 227 |
| Public perceptions of reconciliation..... | 231 |
| SATRC Press Policy | 240 |
| Marketing, Education and Media..... | 241 |
| Educating the Public | 242 |
| The Media and the SATRC | 243 |
| Commissioners' reconciliation | 247 |
| Conclusions | 250 |
| Chapter 8: Conclusion..... | 254 |
| Bibliography | 269 |
| Appendix I: The Victims..... | 306 |
| Appendix II: Sample Consent Form..... | 320 |
| Appendix III: Interviewees..... | 321 |

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Abbreviations

| | |
|------------|--|
| AC | Amnesty Committee of the SATRC |
| ANC | African National Congress |
| APLA | Azanian Peoples' Liberation Army (previously known as Poqo) |
| AWB | Afrikaner Weerstandsbeweging / Afrikaner Resistance Movement |
| BC | Black Consciousness |
| BCM | Black Consciousness Movement |
| BPC | Black Peoples Congress |
| DA | Democratic Alliance (successor to the NNP) |
| DP | Democratic Party |
| DRC | Dutch Reformed Church |
| COPE | Congress of the People |
| CSVR | Centre for the Study of Violence and Reconciliation |
| ET CAVR | East Timorese truth commission (for its initials in Portuguese) |
| FF | Freedom Front |
| FF+ | Freedom Front Plus (successor to the FF) |
| GHRV | Gross Human Rights Violation |
| GNU | Government of National Unity |
| HRV | Human Rights Violation |
| HRVC | Human Rights Violations Committee of the SATRC |
| HRW | Human Rights Watch |
| ICTJ | International Centre for Transitional Justice |
| IDASA | Institute for a Democratic Alternative for South Africa (South Africa based think tank). |
| IFP | Inkatha Freedom Party |
| IJR | Institute for Justice and Reconciliation (South Africa based think tank) |
| KZN | Kwa Zulu Natal |
| MK | Umkhonto we Sizwe / Spear of the Nation |
| NEC | National Executive Committee (governing body of the ANC) |
| NGK | Nederduits Gereformeerde Kerk (DRC in Afrikaans) |
| NP | National Party |
| NNP | New National Party (successor to the NP) |
| NUR clause | National Unity and Reconciliation Clause (in the Interim Constitution) |

| | |
|-------|---|
| PAC | Pan Africanist Congress |
| PNURA | Promotion of National Unity and Reconciliation Act |
| PNURB | Promotion of National Unity and Reconciliation Bill |
| PP | Progressive Party |
| RRC | Recommendations and Rehabilitation Committee |
| TC | Truth Commission |
| TRC | Truth and Reconciliation Commission |
| SABC | South African Broadcasting Corporation |
| SACP | South African Communist Party |
| SADF | South African Defence Force |
| SASO | South African Students Organisation |
| SATRC | South African Truth and Reconciliation Commission |
| SDU | Self Defence Unit |
| SR | Special Report (on the Truth Commission) |
| UDF | United Democratic Front |
| UN | United Nations |
| UP | United Party |
| VOC | Vereenigde Oost-Indische Compagnie / Dutch East India Company |

Chapter 1: Introduction

This thesis explains how the truth commission got its reconciliation. Truth commissions are one of the most popular mechanisms used to foster reconciliation in the aftermath of violent conflict (Hauss 2003, Borer 2006, Daly and Sarkin 2007, Moon 2008). It is increasingly accepted that for peace to be sustained, a culture of reconciliation must be promoted (Lederach 1997, Montville 2006, Volkan 2006, Daly and Sarkin 2007, Ramsbotham, Woodhouse and Miall 2005). To assess the contribution made by truth commissions to reconciliation is thus critical. However, such an assessment is currently stalled by an impasse in the literature, which finds determining reconciliation's meaning complex and operationalising conceptions of reconciliation difficult at the empirical or theoretical level (Daly and Sarkin 2007, Borer 2006). This thesis offers no argument on the general claim that truth commissions reconcile. Instead, it seeks to explain the insertion of reconciliation within the truth commission model in order to increase future truth commissions' potential for reconciliation.

This thesis argues that South Africa was the first truth commission to be perceived as reconciliation centric. This, it argues, was the result of two things. First, that a politically aware ANC used the word 'reconciliation' to ameliorate feelings of injustice regarding the Commission's amnesty provision and fears of the Commission revealing a painful or dangerous truth. Although its legislators did not intend it to promote reconciliation, the language of the Commission's founding Act was thus softened with a clause instructing that its tasks be carried out with the overarching aim of promoting reconciliation. Second, the Commission was given to Archbishop Desmond Mphilo Tutu to run. Tutu used his position as Chair of the Commission to propagate his understanding of the Commission's role: to promote reconciliation. This thesis concludes that despite considerable effort, a Commission which was not designed to promote reconciliation is not as well suited to promoting reconciliation as one that was.

This chapter provides the basis of the thesis. It explains the literature gap posited above, arguing that there is a failure to explain *how* truth commissions came to be understood as promoting reconciliation. This thesis plugs that gap, and, as I have argued above, in so doing it circumvents an impasse that has developed regarding whether truth commissions promote reconciliation. It is a thesis self consciously

situated within the framework of conflict resolution. It aims to help truth commissions work better to build the sustainable or positive peace described by Lederach and Galtung respectively.

Conflict resolution

Conflict resolution, used here as an umbrella term under which shelter various studies of and practices related to maintaining or creating peace, is the obvious first port of call. As Johan Galtung pointed out “the fact that we are around at all testifies to a lot of conflict resolution capability” (Johan Galtung cited in Long and Brecke 2003, 1). As evidenced by our existence, something must have prevented our ancestors from beating each others’ skulls in with rocks, allowing them to survive long enough to become our ancestors.¹ Galtung is right, we are still here, and as a species of conflict resolution practioners, we are not doing too badly.

Conflict resolution as an academic discipline began, argues Wallenstein, when the necessity of preventing all out nuclear war across the Iron Curtain was realised (Wallenstein 2002, 33). This most pressing of problems, he say, was accompanied by a strange puzzle: why were three old World War Two allies, the UK, the USA, and the USSSR, now at nuclear loggerheads while France and Germany, once thought eternal enemies and only recently relenting from the position of occupier and occupied enjoying a close and friendly relationship (Ibid)? Peace was possible between former enemies, and war between former friends; out of this matrix emerged the study of conflict resolution (Ibid).

Offering an overview of developments since its inception, Wallenstein explains the conflict resolution literature as comprising three broad approaches which have emerged since its inception: “(1) conflict dynamics; (2) needs based conflict origins; and (3) rational, strategic calculations” (Ibid, 34). The first of these, typified by Galtung’s work, imagines conflict as a process moving through different phases; the point of conflict resolution thus becomes to move the conflict into a phase where it becomes constructive and creative rather than destructive (Ibid, 35). For Galtung, participants to

¹ Peter Wallenstein (2002, 29) offers a positive interpretation of past conflict: the Uppsala dataset records out of 110 conflicts occurring between 1990 and 1999, seventy five had terminated by 1 January 2000. Twenty one of those ended because of a negotiated peace treaty (Ibid). Of all the conflicts that have ever happened, only thirty seven of them were ongoing in 1999. Ten years later, eighteen of those thirty seven are no longer active (Uppsala dataset 2010).

a conflict need to find a mechanism through which the incompatibilities can be transcended; where a creative solution can be found (Ibid). A focus on the origin of the conflict as needs-based is explained by Wallensteen as “Basic needs are not met in a part of society; instead they are out of reach for a group which thus becomes frustrated. The conflict originates in or feeds on this frustration” (Ibid, 40). To redirect the conflict from aggressive to constructive, the focus must be on “locating unmet needs” (Ibid, 44). Wallensteen highlights John Burton’s problem solving workshops as one mechanism which offers just such a focus: participants aim to achieve an understanding of each others’ needs as a first step to meeting them (Ibid, 42). The final perspective Wallensteen presents is that which focuses on the rational calculations involved in conflict, illustrating this with the work of I. William Zartman. If, Zartman argues, actors in a conflict are rational being then there can be found a point where they can be made to see that not being involved in an armed conflict is a better idea than being involved in an armed conflict. The purpose of conflict resolution thus becomes to bring them to that point and to demonstrate that it has been reached. Zartman’s ‘hurting stalemates’ and ‘ripe moments’ are points at which interventions are most likely to succeed and towards which those interested in ending the conflict should aim. As Wallensteen notes, this gives external actors more involvement in conflict resolution, and provides the rationale for military intervention in some internal conflicts.

These three approaches whilst having, as Wallensteen described, considerable differences, have enough in common that Wallensteen was able to weave them together to form his own meta-approach to conflict resolution. There are two similarities of particular relevance here; as described by Wallensteen, none explicitly address the “post-conflict” period and none are aimed explicitly at the population doing the fighting. They tend rather to slip past the question of why one would lay down arms, focusing instead on persuading the leaders to tell people to lay down arms, and assuming that the armed population will simply do as bidden. Galtung’s idea of conflict as process, moving between phases, strongly suggests the need to regard a post accord phase as one where the conflict can return to an unhelpful phase, but unlike his later work, it does not explicitly address the specific needs of such a situation. It is rather an overarching understanding, which, as discussed below, provides a strong foundation to an effort towards enumerating the needs of the population at that time, but does not itself explain them. Galtung’s work will be returned to later. His idea of positive peace

provides the foundation for much of this thesis. The idea of conflict as needs driven and conflict resolution as need fulfilment suggests that foot soldiers should have their needs fulfilled as their leaders do. This, however, is to ignore the potential for a variability of needs in a given population, a leader may feel her needs fulfilled, but her constituency may have different needs which have not been equally fulfilled. Zartman's 'hurting stalemates' are equally prone to a divide between leaders and followers. I would prefer these theories to address more concretely the concerns of the population, rather than focusing on persuading their leaders to sign peace agreements.

Peacebuilding

A focus on both these problems was offered by the peacebuilding agenda which became prominent in the 1990s. The term 'peacebuilding' is Galtung's and builds on his idea of positive peace, which he explained as follows: "Positive peace is more than the absence of violence; it is the presence of social justice through equal opportunity, a fair distribution of power and resources, equal protection and impartial enforcement of law." (Galtung 1996) Peacebuilding initiatives attempt to augment the conditions conducive to self re-enforcing, long term, positive peace.

Oliver Ramsbotham, Tom Woodhouse and Hugh Miall make clear that a key component of peacebuilding is what they term the reconstruction of society, arguing that it is a key element of what will help combatants become ex-combatants. They offer the following as examples of the types of activity included in this part of peacebuilding: "demobilisation of the warring parties and decommissioning of their weapons, the re-establishment of a functioning political system, restoration of the civil service, return of refugees" (Ramsbotham, Woodhouse and Miall 2007, 185-6). These tasks are, they explain, commonly conducted by external actors, largely, it seems, because countries emerging from conflict are simply too broken to be able to undertake such programmes themselves (Ibid, 187). Nicola Balls has noted that

armed conflict not only retards the development process, but it also erodes a country's developmental foundation – as people are killed, abandon their homes and their livelihoods, or flee their countries; as infrastructure is damaged or destroyed; and as resources are diverted from routine maintenance of existing social and economic infrastructure (Ball 2000, 607).

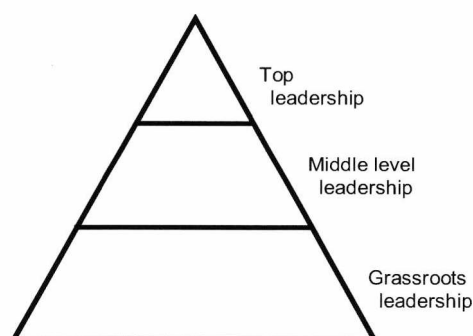
The reconstruction element of peacebuilding addresses these problems as part of addressing the needs of the population, as required by needs based analyses of conflict,

providing an improvement in living standards for individuals, and acting as a prophylactic against despair.

The complementary side of peacebuilding activity identified by Ramsbotham, Woodhouse and Miall explicitly addresses my earlier complaint that the mechanisms described by Wallensteen do not fully take into account the autonomy of combatants. They explain “the idea that effective and sustainable peace making processes must be based not merely on the manipulation of peace agreements made by elites, but more importantly on the empowerment of communities torn apart by war to build peace from below” (Ramsbotham, Woodhouse and Miall 2007, 284). They identify Adam Curle as a key proponent of this type of conflict resolution. He argued for a form of peacebuilding empowered and supported by external bodies, where conflict resolution practioners provide “a variety of support to local peacemakers through an advisory, consultative facilitative role via workshops and training” (Ibid, 218). This process would aim at not just the elites signing peace treaties, but at altering the thinking of the population; making them want the peace treaty their leaders have signed. The heart of this work is to allow the repository of conflict resolution wisdom and goodwill within the society to emerge, to enable the population to steer its own journey towards a positive peace. External actors assist, but do not control, this process.

Lederach’s grassroots

John Paul Lederach includes an elegant demonstration of the importance of addressing what are commonly called the grassroots of a population affected by conflict. I reproduce a much simplified version of his diagram here:



Lederach’s population triangle (Lederach 1997, 39)

There are, notes Lederach, few members of political elites, there are some middle leadership, but the largest portion of the triangle is the grassroots; they make up the majority of the population. This creates problems and opportunities: it is a great deal harder to communicate the possibility of peace to many than it is to few. However, once that section of the population is on the road to peace, a society can develop a culture of peace in so many people that it achieves a level of immunity to violent conflict.

Lederach's grassroots leaders are embedded within the grassroots; he sees them as sharing the reality of ordinary people. Thus they "understand intimately the fear and suffering with which most of the population must live" (Lederach 1997, 42-3) and "unlike many actors at the higher levels ... [they] witness firsthand the deep rooted hatred and animosity on a daily basis" (Ibid, 43). They are the authentic representatives of the people. In this characterisation of authentic grassroots leadership, Lederach permits that group an understanding of the population and community which allows all three of the conflict resolution approaches outlined by Wallensteen more success with the population than an effort directed solely at political elites. Lederach's examples of approaches aimed at the grassroots include elements of all three. His comment that "at times, it seems that exhaustion, rather than innovative planned transformation, is chiefly responsible for ending conflicts" (Ibid, 52) is reminiscent of Zartman's hurting stalemates; when the population can take no more conflict, it is experiencing a sort of grassroots stalemate. There are needs based workshops of a type with which John Burton would be familiar in Somalia (Ibid, 53) and Mozambique (Ibid, 54). Galtung's aims of transcending negative conflict and transformation of destruction to construction have been furthered by another Mozambican experience; the wonderful idea of the 'Circus for Peace' which

was organised like a travelling show that wove drama and arts into its explorations of the nature and challenges of war and conflict... including the skills of resolving conflict. The show ... served as a way to publically grieve over the losses the country had suffered, to address the concerns of the people, and to set the stage for changes and movement toward peace

(Ibid).

Perhaps most compelling of all for proponents of Galtung's transcendence, is the following endorsement of grassroots work by a respected practitioner:

From personal experience I can attest to the fact that the process of advancing political negotiation at polished tables in elite hotels, while very difficult and complex in its own

right, is both a more formal and a more superficial process than the experience of reconciliation in which former enemies are brought together at the village level (Ibid, 55).

Lederach's approach is, he admits, resource intensive. Many countries emerging from conflict will have trouble finding the substantial resource required. Lederach's model allows for skills to be transferred through the levels, but this requires that the grassroots commit time and resources to accept the transfer of reconciliation knowledge. John Prendergast, evaluating the approach, provides positive examples of success with small groups. There is every evidence that were a society to roll out Lederach's very comprehensive plans, it would be much less likely to return to negative conflict cycles. I imagine that Lederach would point out that such a reduction in conflict would ameliorate resource scarcity, and, as illustrated by the quote from Ball discussing the damage inflicted on development by conflict above, he would be right. Nonetheless, Lederach's approach does not seem to be one commonly adopted by governments after formal conflict ends.

Reconciliation

Despite their neglect of his mechanisms, Lederach's goal of a process of reconciliation is shared by many emerging from violent conflict. Recent statements from the current round of Middle East peace talks call for reconciliation,² discourse around the ongoing Northern Ireland peace process focuses on reconciliation,³ the Sri Lankan government wants reconciliation for the Tamil population,⁴ and in Thailand, efforts are being made towards reconciliation across the political divide which sparked violent protests during our Spring.⁵ Reconciliation is a commonly sought prize; what Ramsbotham, Woodhouse and Miall refer to as "the ultimate goal of conflict resolution" (Ramsbotham, Woodhouse and Miall 2007, 231).

It is also one which has received some attention in the conflict resolution literature. As Charles Hauss has noted, "In the last few years, reconciliation has become one of the "hottest" topics in the increasingly "hot" field of conflict resolution" (Hauss 20003, np). A strong theoretical case for the importance of deep rooted transformation in the minds of the population and the rebuilding of relationships based on this transformation has been made by Joseph Montville and Vamik Volkan. Montville and Volkan, working

² See, for example, Spillius 2010

³ See, for example, 4ni 2010

⁴ See, for example, Varner 2010

⁵ See, for example, HRW 2010

together and apart, have provided the literature with a basis for the importance of reconciliation with their detailed explanations of the effects of psychological trauma on populations. Montville vehemently made the case for the primacy of reconciliation in a piece tellingly entitled 'Reconciliation as Realpolitik': "any conflict resolution strategy that does not address the psychological needs of the victims and the victimisers can only have a superficial effect on the resolution especially of ethnic and sectarian conflicts" (Montville 2006, 368). In order to address these needs, and to thus to potentiate relationships across conflict lines and reconciliation, Montville argues for a recognition of the psychological damage caused by conflicts that are supposedly 'in the past' to both victims and perpetrators by both victims and perpetrators. For him, the ideal mechanism for this is a small group workshop facilitated by trained personnel, including at least one facilitator with clinical experience (Ibid, 378). Participants are encouraged to enunciate the "unhealed wounds in their historical relationship" (Ibid, 380) working around the framework of a "reasonably accurate history of a conflicted relationship" (Ibid). In so doing, they access what Volkan calls 'chosen traumas'; "the shared mental representation of an event in a large group's history in which the group suffered a catastrophic loss, humiliation and helplessness at the hands of enemies" (Volkan 2006, 30). A shared trauma handed down through history can, argues Volkan, become an important marker in group identity, evolving into a part of that identity and thus subject to the same psychological protections afforded to identity itself (Ibid). Writing from personal experience and a staunch application of the psychiatric and psychological literature, Volkan describes five types of psychological phenomena which are experienced by traumatised societies:

a shared sense of shames, humiliation, dehumanization and guilt...
a shared inability to be assertive...
a shared identification with the oppressor...
a shared difficulty or even inability to mourn loss... [and]
a shared transgenerational transmission of trauma.

(Volkan 2006, 14)

The workshops in which Volkan and Montville exercise their expertise are aimed at providing support for individuals within societies to overcome the trauma and thus to potentiate relationships across conflict lines. The unburdening of history and the potential relationships are argued to facilitate reconciliation and build peace (Montville 2006).

Lederach's work is less strictly based on the literature, but rather makes use of the extensive expertise he has developed over many years as a successful practitioner. He too feels that peace building needs to be founded on an understanding of the hurt experienced by parties to a conflict: "To be at all germane to contemporary conflict, peacebuilding must be rooted in an responsive to the experiential and subjective realities shaping people's perspectives and needs" (Lederach 1997, 24). Such an understanding would, he argues, make clear that one must aim to for a peace of significant depth: reconciliation.⁶ Lederach conceptualises reconciliation as a "place of encounter" (Ibid, 30) where parties come together to create and strengthen relationships across divides. He imagines reconciliation as addressing the pain of the past just as Montville and Volkan do, but his phrasing speaks more to the balance and compromise found in conflict resolution than the psychological terms found in their work:

an encounter between the open expression of the painful past ... and the search for the articulation of a long term interdependent future... reconciliation provides a place ... where concerns for exposing what has happened and for letting go in favour of renewed relationship are validated where redressing the wrong is held together with the envisioning of a common, connected future (Ibid, 31)

To promote such encounters, Lederach recommends small scale meetings facilitated by trained personnel as discussed at the beginning of this chapter. He is more flexible than Montville and Volkan, both of whom prefer more formalised, structured workshops. Lederach's approach is less prescriptive and focuses on providing encounters that fulfil the balancing act set out above.

Truth commissions

These three men provide the bedrock for literature on reconciliation in conflict resolution, but surprisingly, their work was not significant in the development of a model which is seen by many as the primary method of promoting reconciliation today, the truth commission (Ramsbotham, Woodhouse and Miall 2007, Daly and Sarkin 2007, Borer 2006). Truth commissions are recent phenomena, the term first being properly defined by Priscilla Hayner in 1994 and the first truth commission fitting this definition having occurred in Uganda in 1974. Since 1974 there have been over thirty truth commissions, mostly in Latin America and Africa, but also in Europe and Asia (Hayner 2002), with more considered in Northern Ireland (BBC 2009a), Brazil (Rocha

⁶ Lederach differentiates between peace and reconciliation but his understanding of the two concepts is clearly intertwined. The title of his most relevant work is: *Building Peace: Sustainable Reconciliation in Divided Societies* (1997).

2009), and Kenya (BBC 2009b). These commissions have been varied in form and function, particularly, for reasons which I will explain later, in the early years, but Hayner's 2002⁷ definition is commonly used to determine what is and what is not a truth commission:

(1) truth commissions focus on the past; (2) they investigate a pattern of abuses over a period of time, rather than a specific event; (3) a truth commission is a temporary body, typically in operation for six months to two years, and completing its work with the submission of a report; and (4) these commissions are officially sanctioned, authorized, or empowered by the state (and sometimes also by the armed opposition, as in a peace accord) (Hayner 2002, 14)

Hayner considers these four conditions to be diagnostic of a truth commission, but adds that all the truth commissions included in her 2002 study of truth commissions had the following elements in common:

all were created to look into recent events, usually at the point of a political transition; all investigated politically motivated or politically targeted repression that was used as a means to maintain or obtain power and weaken political opponents; and in each of these cases, the abuses were widespread, usually affecting many thousands of persons (Ibid, 17)

Finally, she adds that the truth commissions she studied had, in large part, been "created to be a central component of a transition from one government to another or from civil war to peace" (Ibid). Truth commissions, then, examine the past in order to live better in the future. In this, they are similar to practices recommended by Lederach, Montville and Volkan; Lederach wanted to look at the past for the sake of the future, Montville asked that workshop participants examine the damage to their relationships in order to strengthen those relationships, Volkan required that a semi-reliable history be taken in order that 'chosen traumas' do not intercept a peaceful future. Those who create them, who spend money a country emerging from conflict can invariably not afford, who quite deliberately chose to examine the least pleasant parts of a country's past, are engaging in an exercise they believe will help their country come to a full peace; truth commissions sound like a peacebuilding activity. The similarities between the two models are striking; they share a similar aim and a similar method.

Interest in truth commissions increased considerably after the South African effort, with democratising states commonly requesting advice from South African truth Commissioners and calls for 'a South Africa like truth and reconciliation commission'

⁷ This varies from her 1994 definition in one important respect: the early definition fails to define who or what the sponsoring authority of a truth commission must be, thus allowing in NGO sponsored commissions etc.

commonplace.⁸ A growing truth commission literature is available, along with an accompanying literature of its parent discipline, ‘transitional justice’, a young field which studies “how post conflict societies handle a legacy of grave human rights violations” (Huyse 2008, 10) popularised by Neil Kritz’s 1995 *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*⁹ There is a specialised journal, *International Journal of Transitional Justice*, with relevant research also appearing in journals from the conflict analysis, peace studies, human rights, and wider international relations fields. There is an NGO dedicated specifically to assisting states considering efforts towards transitional justice, the International Centre for Transitional Justice (ICTJ) with offices on several continents (ICTJ 2010). As Sarkin and Daly (2007) have noted, truth commissions in particular and transitional justice in general have become boom industries.

Transitional justice

The literature on truth commissions has congregated under the title of transitional justice, which is broadly associated with law, especially human rights law. The first major article devoted exclusively to truth commissions appeared in *Human Rights Quarterly* (Hayner 1994). The most relevant journal, the seminal work and the primary NGO are all titled for transitional justice rather than conflict resolution. The ICTJ defines transitional justice as:

a response to systematic or widespread violations of human rights. It seeks recognition for victims and to promote possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades.

This approach emerged in the late 1980s and early 1990s, mainly in response to political changes in Latin America and Eastern Europe and to demands in these regions for justice. At the time, human rights activists and others wanted to address the systematic abuses by former regimes but without endangering the political transformations that were underway.

(ICTJ 2010, np)

The above explains partly why the study of truth commissions, whose purpose and aim bears such a similarity to reconciliation and peacebuilding, has come to rest within the broad context of law and transitional justice. Truth commissions are instigated in

⁸ See, for example, Beehner (2007) with reference to Iraq, SAPA (2004) with reference to Somalia, and Lynas, ND with reference to Northern Ireland.

⁹ The field seems to have begun with a conference organised by the Aspen Institute in 1988 (Weschler 1995, 491) but Kritz’s three edited volumes remain seminal.

response to human rights abuses, traditionally a place for lawyers, and calls for justice, also legal territory.

The early literature was, by and large, devoted to discussions of which transitional justice mechanisms could best be said to achieve a range of aims, including those set out above, although initially these tended to be less positively phrased, and more related to the guilty than the innocent, and the prevention of reprisals, coups, and returns to warfare.¹⁰ We could say that the initial literature focused more on negative justice, similar to Galtung's negative peace, where the aim was a minimum of pain for the state, whereas the ICTJ's aims of reconciliation, peace and democracy are positive justice, a set of aspirations which aim for a full fledged just society.¹¹ These mechanisms included trials with or without punishment, lustration of the guilty, reparations for victims, amnesties, amnesia, and, of course, truth commissions.¹²

Kritz recalls that at the conference which initiated the three volumes of *Transitional Justice*, there was a refusal by attendees representing states in or recently emerging from transition to believe that there could be a commonality of experience in transitional states; each thought it was unique (Kritz 1995b, xxiii). Slowly, he says, participants came to believe that there were, in fact, shared experiences, needs and solutions (Ibid). It was thus possible for states to learn from each other. It is in this vein that the majority of the early transitional justice literature can be seen. Three questions seem to have been common: (1) given the political realities of a given state, what is the best method of transitional justice, (2) which are the most important aims for which a transitional justice mechanism should aspire and (3) which method of transitional justice best achieves which aims.

The first of these can be seen as being typified by Samuel Huntington and Luc Huyse's papers in Kritz's volume. Huntington created a typology of transition to determine which transitional justice method is suitable for a given form of transition (Huntington

¹⁰ Thus the ICTJ ignores two central themes of, for example, Kritz's works, what should be done about the guilty and how best to achieve this without upsetting them to the extent that they return to abusing human rights (see Kritz 1995):

¹¹ Both elements are present in Kritz's (1995) edited volumes. For example, the articles by Nino, Buergenthal, Becker, Danieli, Lutz, Weschler and both Van Boven chapters can be seen as more positively orientated and the articles by Cassel, Massey, Orentlicher, Rzeplinski, Jaspers, Kirchheimer, and O'Donnell are more negative.

¹² The ICTJ, continuing its theme of positive justice, also includes memorialisation projects, gender justice, and reform of the security systems (ICTJ 2010).

1995). This is an approach firmly based upon pragmatism and ignores normative ideals regarding, for instance, justice (Ibid). Huntington rather looks to what is possible (Ibid). Luc Huyse's work also looks at local variables to understand which transitional justice mechanism is most suitable to which type of transition, but he is less prescriptive than Huntington and much more open to normative ideals, reflecting less on what is possible and more on what is needed (Huyse 1995).

The second question was originally dominated by the justice vs. peace debate, focusing on states that instigate an amnesty to reduce the likelihood of a return to conflict or authoritarian rule. As discussed above, transitional justice developed from a legalist, human rights type agenda. The Nuremberg trials are often seen as one of the first mechanisms of transitional justice.¹³ It is thus unsurprising that some of the fiercest debates have emerged in societies that have not punished their guilty. Human Rights Watch speaks for many commentators when it states that "We oppose laws and practices that purport to immunize those who have committed gross abuses from the exposure of their crimes, from civil suits for damages for those crimes, or from criminal investigation, prosecution and punishment".¹⁴ Spain's amnesia has been noted in the literature; after Franco died, there was a gradual return to democracy with little attendant fanfare or analysis (Albon 1995). Mozambique's amnesty has received criticism (Graybill 2004), as have amnesties by Chile and Argentina (Orentlicher 1995). Diane Orentlicher's (1995) "The Duty to Punish" has been influential for those arguing against amnesty, and it is commonly agreed that even where a normative case can be made that allowing the guilty to walk free is a lesser evil than a return to conflict, most authorities agree that international law does not allow for amnesty either for Crimes Against Humanity or gross violations of human rights¹⁵.

The possibilities and relative importance of other needs felt by states in transition are also investigated by the literature. Martha Minow's review of commonly ascribed needs includes overcoming denial and getting acknowledgement; obtaining dignity for victims; promoting reconciliation; getting the facts; laying the foundations for democracy; promoting healing for victims, perpetrators, bystanders, groups and individuals; and effective mechanisms of justice for perpetrators (Minow 1999).

¹³ See Krtiz 1995, Minnow 2000, Pankhurst 1999

¹⁴ HRW 1995: 217

¹⁵ Orentlicher 1995, Puururen 2000, Greenawelt 2000

Commenting largely on South Africa's truth commission, Robert Rotberg's and Dennis Thompson's (2000) *Truth vs. Justice: The Morality of Truth Commissions* provides a variety of perspectives on the relative importance and justice of various aims, and the morality and utility of truth commissions as a method of achieving them. Similarly, Alice Henkin's (1995) report of a conference entitled 'Punish or Pardon' provides an understanding of the normative debates surrounding competing aims. These pieces, less polarised than those comparing peace and justice, are generally gentle discussions of why a given aim is important, and stress that achieving one aim should not allow a state to forsake another (Minow 1999, Rotberg and Thompson 2000).

The final question is by far the largest. Here, scholars and practitioners attempt to juggle both arguments about which are the most important aims and which mechanisms most easily achieve them. Tina Rosenberg's (1995) description of the choices made by Eastern European countries after communism has been influential, as has its corollary for Latin American countries emerging from dictatorship, Lawrence Weschler's *A Miracle, A Universe*¹⁶. Both journalists take a very human perspective and have written beautifully of the damage caused to the grassroots by the transitions, and how the choices made by their leaders have affected them (Rosenberg 1995, Weschler 1998). Minow's (1999) *Between Vengeance and Forgiveness* examines trials, truth commissions, and reparations as methods of transitional justice and weighs these against the aims set out by her above, seemingly concluding in favour of truth commissions, although emphasising the importance of considering local context, in a similar manner to Huyse's work discussed earlier. Andrew Rigby (2001) examines a wide variety of transitional justice mechanisms: Europe's purge of collaborators after World War Two and later experiences of decommunization, Spain's experience post Franco, and the Latin American and South African truth commissions. His analysis is both pragmatic and aspirational; without condemning states that chose not to act as he would recommend, he provides a commentary on and guide to those mechanisms which seem to him to have best promoted an ideal of reconciliation based on Lederach's work. Rama Mani's (2002) *Beyond Retribution* is similarly focused on peacebuilding, but looks rather to the contribution that justice, in its widest sense, can make to peacebuilding. Criticising practitioners and scholars alike, Mani asks us to understand that justice has many facets and that these are all needed in order to achieve Galtung's

¹⁶ First published 1990. Weschler 1998

positive peace. As Minow stresses that one goal must not be neglected for another, Mani stresses that legal justice, rectificatory justice and distributive justice are all important and that each must receive sufficient attention, effort and funding.

These works are the most prominent book length examinations of this question, but at shorter lengths, we find a proliferation of journal articles and chapters.¹⁷ The arguments over for which achievements a society should aim and which transitional justice mechanisms will best achieve those goals are also continued in a majority of works on individual mechanisms in given states. Thus they are rehearsed in all the large works on the South African experience. However, these aim not to inquire into which transitional justice mechanism is best, but are rather a justification for South Africa's choice.¹⁸

Increasingly, truth commissions are being seen as the best transitional justice tool for meeting a wide range of needs. Hayner notes that states have a variety of stated aims when embarking on a truth commission, including: national reconciliation, to distance the new government from the old in the minds of the population, and as a step towards prosecutions (Hayner 2002, 24). Truth commissions themselves, she says, "may have all of the following five basic aims" (Ibid):

"to clarify and acknowledge the truth" (Ibid)

"to respond to the needs and interests of victims" (Ibid, 28)

"contribute to justice and accountability" (Ibid, 29)

"to outline institutional responsibility and outline reforms" (Ibid, 29)

"to promote reconciliation and reduce tensions resulting from past violence" (Ibid, 30)¹⁹

Hayner expends more effort on outlining, and writes more positively about, the benefits of the clarification and acknowledgement of truth than any other of the aims. For her, this is what truth commissions are best at achieving. Excluding perhaps responding to

¹⁷ See, for example: much of Kritz 1995, Graybill 2004, Fletcher and Weinstein 2002, Levinson 2000, Betts 2005, or Adam and Adam 2000.

¹⁸ See, for example, Boraine 2000a, Tutu 1999, James and Van de Vijver 2000, Christie 2000, Goldstone 2000a, Villa Vicencio & Verwoerd 2000, Edelstein 2001

¹⁹ In a later work, Hayner uses the following list instead "help establish the truth about the past, promote the accountability of perpetrators of human rights violations, provide a public platform for victims, inform and catalyse public debate, recommend victim reparation, recommend necessary legal and institutional reforms, promote social reconciliation and help to consolidate a democratic transition" (Freeman and Hayner 2005, 125)

the needs of victims, the other aims are, to her, slightly subsidiary. About the final aim, promoting reconciliation, she is unsure. While she notes that “unfortunately, the complexity and sensitivity of the task have meant that many commissions have trouble reaching these goals” (Ibid, 31) she hints that she is unconvinced reconciliation can be promoted through truth commissions, arguing that the word is unclear in meaning and moreover within the context of truth commissions, it has suffered from an unrealistic optimism concerning the possibility of its achievement (Hayner 2002, 154-169). Despite a consensus regarding Hayner’s position as the foremost scholar on truth commissions, her warnings have not been heeded. Nearly all the later literature discussed above makes reference to the power of truth commissions to help to achieve or promote reconciliation.

Truth and reconciliation commissions

The consensus in the literature correlates with a consensus in the real world; since the SATRC, truth commissions have tended to consider reconciliation to be within their remit. The Truth and Reconciliation Commission of Canada²⁰ explains its aim as “The TRC hopes to guide and inspire Aboriginal peoples and Canadians in a process of reconciliation and renewed relationships that are based on mutual understanding and respect.” (Canadian TRC 2010, np). Sierra Leone conducted a ‘truth and reconciliation commission’ to advance reconciliation as well engaging in criminal trials to promote accountability (SL TRC 2004). One of its publicity posters read: “Save Sierra Leone from another war. Reconcile Now. TRC can help” (Kelsall 2005, 365). A group of academics recently called for a truth commission for Iran, arguing that such a commission could facilitate healing through national reconciliation (Adib-Moghadam et al 2009, np). The ‘truth and reconciliation commission’ in the Solomon Islands held its first hearings in March 2010. These were greeted with the headline “First TRC Hearing Brings Relief and Hopes for Reconciliation” (Solomon Islands Times Online 2010). Reconciliation has become a primary motivating factor in creating a truth commission.

Reconciliation is now so closely related to truth commissions that, at least in popular understandings, truth commissions have changed their name to become ‘truth and reconciliation commissions’. Thus the *Oxford English Dictionary* does not include a

²⁰ The Canadian TRC explains its mandate as: “to inform all Canadians about what happened in Indian Residential Schools (IRS). The Commission will document the truth of survivors, families, communities and anyone personally affected by the IRS experience.” (Canadian TRC 2010, np)

definition for ‘truth commission’ but it does include a definition for ‘truth and reconciliation commission’. Truth and reconciliation are now closely associated; when one calls for a truth commission, one uses the term ‘truth and reconciliation commission’, where a reconciliation process is needed, it has become a ‘truth and reconciliation process’. Thus we see the UN reporting on the options for “truth and reconciliation” in the DRC (OHCHR 2010) and calls for a ‘truth and reconciliation process’ in Northern Ireland (Geoghegan 2010). We have come to a place where truth commissions are irrevocably intertwined with reconciliation and reconciliation is irrevocably intertwined with truth commissions. Tristan Ann Borer (2006) has argued forcefully that given these links, particularly the assumed ability of truth commissions to promote reconciliation, we need to interrogate the contribution truth commissions can make to reconciliation.

In this chapter, it has thus far been assumed, by and large, that the claims made for truth commissions’ contribution to reconciliation are valid. There is, in fact, no such consensus in the literature, which can roughly be divided into three camps on this subject: yes, no and maybe. The ‘yeses’, who argue that truth commissions do make a substantive contribution to reconciliation, tend to rely upon anecdote, survey data and repetition.²¹ Most prominent of those who argue from anecdotal evidence that truth commissions assist in reconciliation is Archbishop Desmond Tutu. In his memoir of the South African truth commission, Tutu cites examples of individuals he believes were, to an extent, reconciled by the Commission (Tutu 1999b). Significant survey data comes again from South Africa. Gibson (2004) found that South Africans supported the central assumption of the South African effort, that truth leads to reconciliation. He found further that South Africans who accepted the ‘truth’ given by the SATRC were more likely to feel reconciled (Ibid). His conclusion, which is less forcefully put than the body of his work, reads in part: “whites learned something from the TRC and that the things they learned made them better able to get along with their black fellow citizens” (Ibid, 216). Finally, it is common to make the assertions that ‘there can be no reconciliation without truth’ or ‘truth commissions aid reconciliation’ as if they were a statement of fact, proven scientifically and with an excess of empirical data. This complaint has been made by, among others, Borer (2006) and, more gently, by Michael

²¹ More discussion on how this came to be an accepted truth in some quarters will be given in Chapters 3, 5 and 8.

Ignatieff (1996). He calls such assertions ‘articles of faith’. For many, such a belief is literally an article of religious faith; Tutu, as is well known, has a strong religious conviction that truth leads to reconciliation (Battle 1997). For others, it is simply a matter of believing the claims made by proponents of truth commissions. Jeremy Sarkin²², for example, argued that Rwanda needed a truth commission on the grounds that it needed reconciliation and that truth commissions promoted reconciliation without ever providing an explanation of why he believed this (Sarkin 1999). Sarkin did not interrogate the claim that truth commissions could begin the road to reconciliation. It has become almost a truism.

Borer explains the presence of such articles of faith by arguing that the literature has commonly conflated what truth commissions should do, with what they can do or what they have done, i.e. they conflate aspiration with achievement (Borer 2006). However, there is no more proof that truth commissions do not promote reconciliation than there is proof that truth commissions do promote reconciliation. Some look to argue for caution; thus Frederik van Zyl Slabbert (2000) argues that truth does not promote reconciliation because wives and husbands are not automatically reconciled when they reveal the truth of affairs. Rajeev Bhargava offers a perspective based on his understanding of reconciliation as a lengthy process, stating that truth commissions cannot conduct reconciliation “because reconciliation requires a profound change in the identities of people – a deep, rather long drawn out process” (Bhargava: 2000, 45). Some point to the negative effects of truth commissions on individuals who participated in them; Colin Colvin found members of a post-truth commission support group did not feel reconciled, and that some felt re-traumatised after having told their stories. Tim Kelsall (2005) attended some of the truth commission in Sierra Leone and writes that he did not feel as if reconciliation were occurring in the hearing. Others look to their experiences of the Commission or the country as a whole, claiming that they do not see much *real* reconciliation (Adam and Adam 2000). Boraine explains that, in his experience, “Most whites don’t like blacks. Most blacks are deeply suspicious of whites, with some cause” (Boraine: 2000b, 80). There is empirical data to suggest that reconciliation did not occur. Gibson comments on one well known example: “A survey conducted in mid 1998 by Business Day ... found that nearly two thirds of the mass

²² Sarkin has since revised his opinion of the efficacy of truth commissions as reconciliatory bodies. Daly and Sarkin (2007) is much more modest in its view, arguing only that truth commissions *may* prove helpful in furthering the reconciliation process (Daly and Sarkin 2007, 60).

public believes that the truth and reconciliation process has harmed race relations in South Africa” (Gibson 2001, 5). The Reconciliation Barometer survey found that in 2003, most Indian, coloured, and white South Africans felt the country was handling reconciliation badly and a majority of black respondents agreed (Lombard 2003, 20). As the survey notes, the disagreement itself is not indicative of a strongly reconciled society.

A conflicted literature is not disentangled by arguments concerning what reconciliation is exactly, how long it would take to achieve reconciliation, what a reconciled subject would look like, what sort of reconciliation is most relevant, or whether the process of reconciliation is possible to detect in a society (Borer 2006). It is common also to argue that reconciliation has prerequisites; that the population must be willing to accept or work for reconciliation; that reparation must be made; that apology must be made; that it requires support from top level politicians; that inequality or poverty form a barrier to reconciliation. Without one or more of these prerequisites, reconciliation potential generated by a truth commission will thus fail to become reconciliation process.

The literature continues to grow. Claims are made by both sides, but seemingly never supported sufficiently for those arguing from an opposing position to change their minds. For every claim, there is a counter claim. For every anecdote concerning reconciled individuals, there is an anecdote concerning unreconciled individuals, or worse, people who were harmed by a truth commission. Survey data is conflicted. Yet truth commissions are now truth and reconciliation commissions. A new commission is created every few years, aiming for ‘reconciliation’. The transitional justice literature recommends truth commissions as the best method for promoting reconciliation. Montville, Volkan and Lederach, three respected conflict resolution scholar-practioners, all put forward models of reconciliation which correlate well with some of the activities of truth commissions. According to Lederach, reconciliation works at the grassroots of a society, and this, he argues is where we must focus our attention if we wish to achieve a lasting, positive peace. Volkan and Montville concur, arguing that to ignore the psychological dimensions of conflict; the intrusions that supposedly historical ‘chosen traumas’ make into the present, or the hurt that conflict engenders, is to imperil peace because individuals at grassroots level will continue to be open to conflict, to returning to arms. Traditional mediators address the high level leadership, engaging them in a

conflict resolution process that may be successful, and without which we could never expect a population to attempt reconciliation centric activities, but that on its own neglects individuals at the bottom of Lederach's pyramid.

If we agree that Montville, Volkan and Lederach are broadly correct in their assertions that it is possible to transform animosity into a working society, to repair broken relationships, then we need to understand how to transfer the reconciliation that they have experienced as part of small group workshops to a societal level to achieve Galtung's positive peace in societies formerly riven by conflict.

This is how I came to study truth commissions. I wanted to understand if and how they promoted reconciliation. The literature let me down. There is no consensus. Given that reconciliation is widely agreed to be both a process and a lengthy process, given that consensus dictates it requires certain prerequisites, and given that it is uncertain what either a society which is reconciled or is on the path to reconciliation would look like, there is seemingly no current agreed methodology for determining if truth commissions promote reconciliation. However, the number of new truth commissions created which aim for reconciliation, and the hope reconciliation brings of a lasting peace, require that we try to find such a method. If policy makers believe that reconciliation is promoted by truth commissions, there is a danger that they will not allocate as many extra resources or explore other avenues which might also promote reconciliation.

If truth commissions are bodies which promote reconciliation, there should be a point in history at which someone decided that in order to promote reconciliation, a body with the attributes of a truth commission, should be created. There should be a reasoned explanation for why this person or persons felt that certain attributes of a truth commission are able to promote reconciliation. There would be a type of reconciliation for which this person aimed, a model of reconciliation which she or he felt could be achieved by specifically designed features of a truth commission. If we can find this model, then we can assess its internal logic, comparing it to current best practice as described in the literature. A major barrier to understanding truth commissions' contribution to reconciliation concerns the nature of reconciliation and the related problem of how to achieve reconciliation. If we understand the reconciliation intended by the creator or creators of truth commission model, then we may assess it on its own

merits, thus bypassing extraneous debates, and facilitating the beginnings of an understanding of the feasibility of truth commissions as bodies promoting reconciliation. If we cannot find a creator, and we cannot find the original model then we can stop talking about what truth commissions are supposed to do, and begin to talk about what we want them to do. Policy makers can review the different types of reconciliation in the literature, chose for which to aim, and remake truth commissions or other bodies, better to achieve that type of reconciliation. Currently, the literature seems to be at an impasse, where a never ending debate about the efficacy of truth commissions to conduct different reconciliations means that little effort is made to make truth commissions better at assisting peace makers.

This thesis thus looks to understand how ‘the truth commission got its reconciliation’ and how this came about; why it was thought a good idea. As will be shown in the next chapter, although the first truth commission was created in the 1970s, the original truth commission model did not contain reconciliation. Thus Mark Ensaraco, reviewing the work of two important truth commissions²³ in 1994 explained their benefits as:

appreciable contributions to the cause of justice and protection and promotion of human rights; the investigatory and advisory functions performed by those Commissions find echoes in international humanitarian and human rights law and democracy can only be consolidated on the basis of the truth, and where attention has been given to the transformation of political institutions to ensure that they effectively protect and promote human rights – these three points summarize the argument for the customary utilization of truth commissions in emerging democracies (Ensaraco 1994, 674-5)

The first truth commission that seemed to aim for reconciliation was the South African truth commission, created in 1995. It might be expected that the addition of reconciliation to the aims of truth commissions would have generated some fanfare, and the reasons for its addition already interrogated. This, however, is not the case. There are occasional references to Desmond Tutu’s key role in promoting reconciliation (Boraine 2000a) or frustrated remarks from Hayner that not all truth commissions have always promoted reconciliation (Hayner 2002). There is a literature addressing the creation of the South African commission in some detail. This includes works by those instrumental in its creation, like Alex Boraine (2000a) and Albie Sachs (1999). There are the proceedings of the two conferences which were convened to discuss the idea of a truth commission for South Africa (Boraine and Levy 1995, Boraine, Levy and Scheffer 1996) and papers arguing that South Africa needed a truth commission (Asmal 1993,

²³ In Chile and El Salvador

Asmal 1994). All these are examined in detail in later chapters to demonstrate that rather than a deliberate decision being taken to change the established model of truth commissions to include reconciliation, reconciliation arrived at the truth commission through a gradual slippage in its status from a potential aspiration, to part of the rhetoric included in a legal mandate, to well publicised goal.

Method

To understand *how* the truth commission got its reconciliation, I first had to determine *when* the truth commission got its reconciliation. As will be demonstrated in Chapter 2, this innovation was made in the process of creating the SATRC, but this was not initially clear and necessitated reviewing the literature around the early truth commissions, particularly those in Argentina and Chile, for evidence of reconciliation centred activity. Once I could demonstrate that the SATRC was the locus of the innovation, I began to review the primary sources discussed above. Thus Chapter 4 includes an extensive discussion of the early literature surrounding the Commission, from letters written in support of a truth commission for South Africa (HRW 1992) to the biographies of persons key in campaigning for and creating a Commission, including Albie Sachs (Sachs 2000a; 2000b; 1999) and Alex Boraine (Boraine 2000a; 2000b). Also analysed are the proceedings of two key conferences organised by Boraine (Boraine and Levy 1995; Boraine, Levy and Scheffer 1996). In looking for the history of reconciliation in South Africa, a number of sources were researched, including various ANC documents such as the Freedom Charter and the various ANC constitutions, as well as, for example, *Mayibuye!*, the journal of the ANC. Reconciliation had been associated with a clause relating to amnesty in the Interim Constitution, and this led me to review the literature around amnesty in South Africa, including three previous Acts allowing amnesty in South Africa (1977 Indemnity Act No 2, 1990 Indemnity Act and the 1992 Indemnity Act) and the literature relating to these (Kollapen 1993, for example).

The SATRC caught the imagination of the world and as such is well documented in contemporary news reports. These were extensively reviewed. Its high profile also means that there are a number of online stores of useful information. Thus I was able to watch every episode of the excellent *Special Report on the Truth Commission*, which Alex Boraine explains as: “a regular forty five minute summary on television each

Sunday evening, presented by Max du Preez ... This particular programme attracted one of the largest audiences each week” (Boraine 2000a, 272). In being able to review news reports, and particularly watch the *Special Report*, I was able not only to glean facts about the Commission, but to understand how it was presented to the public. Radio reports are not all available, but I was able to glean the flavour of these both from Antjie Krog’s (1999) excellent *Country of My Skull* and from the oral documentary *South Africa’s Human Spirit*, which is a compilation of SABC’s contemporary radio reports (SABC 2010).

The SATRC website proved to be an exceptional store of information on the public doings of the SATRC. Included there are the entire back catalogue of news reports the Commission gathered about itself, and a transcript of almost every public hearing it ever held. While these were not reviewed in their totality, they were reviewed in part, through an informal random sampling²⁴. Also available previously through the SATRC website was the Final Report, which was also read. All this provided a wealth of information on the Commission and its activities.

Also useful were the many available biographies. From journalists, Krog (1999) and Max du Preez (2004) were invaluable in providing detail and context. From Commissioners, Boraine (2000a), Tutu (1999) and Orr (2000b) were also reviewed extensively. Many Commission insiders have also been moved to write of their experiences and these too provided much useful information²⁵. While they over represent the more senior members of the SATRC, and under represent both victims and perpetrators, together they provide useful background to the Commission.

However, none of these sources could adequately explain the origins of reconciliation in the SATRC, so I travelled to beautiful South Africa to undertake a period of nearly three months of fieldwork. I conducted thirty interviews with individuals involved in the South African commission. Interviewees were selected through a review of key memoirs of the commission or its creation as well as a review of the entire back

²⁴ I do not have the emotional resources required to give them all the attention they deserve.

²⁵ These include: Bell and Ntsebeza 2003; Biko 2000; Bizos 1998; Bizos 2007; Burton 2004; Burton 2000; Burton 1999; Buur 2002; Cherry, Daniel and Fullard 2002; de Ridder 1997; du Toit 2000 and 1999; Edelstein 2001; Fourie 2000a and 2000b; Lax 2004; Lyster 2000; Meiring 2000 and 1999; Ntsebeza 2000a and 2000b; Pigou 2002; Van Zyl 1999; Van Zyl Slabbert 2006; Van Zyl Slabbert 2000; Verdoolages 2008; Villa Vicencio and Verwoerd 2000; Villa-Vicencio 2000 and 2006 and Watson 1997.

catalogue of the best journalistic effort on the Commission, the *Special Report*. Potential interviewees were contacted initially by letter, and then by telephone. Further contacts were made through a limited 'snowball' method, where interviewees suggested that I might wish to interview another person. A large number of people I contacted were unwilling to be interviewed. This is, I think, partly as a result of 'interview fatigue'; the South African commission made a considerable impact on the global imagination and attracted considerable academic attention, and partly because it is not a particularly pleasant subject about which to talk. A number of potential interviewees explained that they chose no longer to revisit the truth commission, because of its negative psychological impact on them. The truth commission was staffed (at Commissioner level, at least) and created by South Africa's elite. Busy people can easily be understood not to have time to spare for post graduates. Finally, a number of people had died since the Commission's work. For all these reasons I was unable to contact some very key people, including Nelson Mandela, FW de Klerk, Desmond Tutu and Alex Boraine (the Chair and his Deputy), and Dullah Omar (the Minister under whose remit the Commission fell) and Johnny de Lange, MP (former Chair of the Committee which negotiated the Act founding the Commission). However, thirty South Africans were kind enough to give me their time, experience and understandings, returning to a time which perhaps they would rather not. They, and the role they played in the Commission, are enumerated in Appendix III.

Interviews were conducted between July 1 2008 and September 14 2008. This was a politically uncertain time for South Africa. Xenophobic riots had occurred sporadically since May that year, and while the situation was mainly calm during my stay, rumours were rife and South Africa's self perception seemed to have been shaken by this anger and violence directed towards people who were now 'foreigners' but who had once been 'friends of the ANC abroad'. After the xenophobic violence, large numbers of 'foreigners' voluntarily moved to UNHCR camps where conditions could be unpleasant. Conditions were not improved in the Cape Town camps by the heavy rainfall that marked the first three weeks in July. Large parts of the Cape Flats flooded, including some of the camps. During my stay, riots occurred in the camps, reportedly because of maggots in the food provided. Adding to the feeling of uncertainty was the trial of the future President of South Africa, Jacob Zuma, in Pietermaritzburg. Zuma was accused of corruption, but eventually acquitted. His supporters felt strongly that he

was above suspicion and should never have been brought before the courts. A commonly heard rumour involved President Thabo Mbeki having organised for Zuma to be tried in order to discredit him politically. The ANCYL leader, Julius Malema, did not improve the situation by threatening to murder anyone who upset Zuma or contradicted his views. This threat included key opposition leaders. Despite Malema's threats, political violence during my stay was largely confined to Kwa Zulu Natal, in which province a small number of reportedly political murders took place, seemingly encouraged by IFP/ANC rivalry. COSATU, among the most powerful of trade union bodies in South Africa, organised one strike during my stay. The strike was not as strictly enforced as those this year, as evidenced by my ability to get to the centre of Johannesburg that day. I understand that other cities suffered more, and that the violence and intimidation was largely restricted to the larger townships. This was not considered unusual or unduly worrying. COPE, a new political party, would be founded shortly after I left, and some of my interviewees clearly knew about this in advance. Reactions were varied, but it was generally greeted with more hope than its sputtering creation has thus merited, although this hope was tinged with a certain amount of worry regarding the reaction of firebrands such as Malema. The situation in neighbouring Zimbabwe was of concern for some, with a recent election being widely considered undemocratic and the result largely fictitious. Zimbabwe is widely appreciated in South Africa as an example of what *not* to do, and the increasingly worrying situation there discouraged hope South Africans had for their own country. Finally, South Africa was in the middle of preparations for what would be a very successful World Cup. The country was beginning to anticipate this in earnest, although in my experience white South Africans tended to suspect the worst, while black South Africans tended to hope for the best. It was not a remarkable time, but I would characterise it as fearful.

My interviewees, while rightly proud of what the Commission had achieved, did seem to be less optimistic about South Africa's progress towards positive peace and reconciliation as a result of this uncertainty and fear. I suspect had I conducted my research a year earlier, before much of the above, there would have been different answers to a number of the questions I posed. These include their definitions of reconciliation, which I think were tempered by their views on what they felt was realistically possible in light of the above. Reconciliation in 2008 was viewed by my

interviewees as less deep, I suspect, than it would have been in 2007, say. I also think that their views on how well South Africa was progressing with its reconciliation project were also negatively affected. The parliamentary problems South Africa was enduring, particularly the Zuma trial, made my interviewees view the early days of the Mandela presidency more positively.

The interviews were conducted at the place of the interviewees choosing, although I suggested that we meet at their offices. Actual locations included Loftus Verwoerd rugby stadium, an interviewee's home in the beautiful township of Gamalake and another overlooking the sea at Simons Town, hotels, coffee shops, a restaurant in a nature reserve, and offices. They lasted around an hour on average, and comprised semi structured questioning. All interviewees signed the requisite consent form and all consented to interview.²⁶ No interview was recorded, although notes were taken during the interview and written up within twenty four hours. Before any publication is made, all interviewees who requested such a facility will receive a copy of my notes from their interview.

The argument of the thesis

The information provided by my interviewees, supported by the primary and secondary sources discussed earlier provides strong evidence for my conclusion that, while reconciliation became embedded in the truth commission model during the South African commission, this was not deliberate. There was no master plan to alter the model of truth commission better to enable the country to reconcile. There was no firm idea that a truth commission was well suited to promote reconciliation. As I will demonstrate, the Commission came to be called after reconciliation because it was felt that 'truth commission' had Orwellian overtones and that reconciliation was an overarching goal for society with which most, if not all, would feel able to empathise. While some South Africans would fear the truth that the Commission promised, few could object that reconciliation was dangerous. 'Reconciliation' was, by then, a widely used term in South Africa, embodied by Nelson Mandela's generosity of spirit. It was a publically available concept.

Reconciliation was also a concept with a history of links to the amnesty which was to be included in the truth commission model. That amnesty had been previously agreed, and

²⁶ A copy of the Consent Form is included in Appendix II

as with other previous amnesties in South Africa, it was explained in terms of 'reconciliation'. The lawyers who crafted the Act which enabled the Commission did not intend that the Commission should conduct reconciliation or that its activities should be focused on reconciliation. It was, however, available to them in terms of the Commission's title and in that it had been used to justify amnesty on previous occasions. They did not feel comfortable with the term reconciliation, were unable to define it, and included it as part of the aspirational language in which some statutory documents are clothed and as a justification for the unpleasant amnesty included in the Commission.

The Committee choosing the Commissioners did not discuss reconciliation, nor did they look for Commissioners who might be best able to promote reconciliation. Before the Commission came into being, it was a truth and reconciliation commission in name only. It had not been designed to promote reconciliation. It was not given any special tasks to assist in promoting reconciliation. It was not a reconciling body and it had no tools to achieve reconciliation.

With the appointment of Archbishop Desmond Tutu, Nobel Peace Laureate, former Archbishop of Cape Town, personal hero of this author and millions of others worldwide, the focus of the Commission changed. For Tutu, reconciliation was a central and key aim of the Commission. He, wisely, saw the importance of reconciliation to the overall project of a new, peaceful South Africa and, perhaps unwisely, understood the Commission he chaired to be the body to begin the process. The language of the title and an elegant and aspirational clause in the Constitution explaining the importance of reconciliation seem to have lead Tutu to believe that the Commission was supposed to potentiate **reconciliation** through its work. It is not a surprising mistake. Were I to have been legislating for a Commission that I did not intend to promote reconciliation and to which I had assigned no special tools to promote reconciliation, I would not have called it the Truth and Reconciliation and I would not have included a very poetic preamble couched in the language of reconciliation. However, as will be argued, while the creators of the SATRC did not mean for it to conduct reconciliation, they did have strong reasons to include reference to reconciliation because of its positive associations; 'truth', which might worry those who had committed crimes, was attenuated by the knowledge it would be a reconciliatory

truth, and 'amnesty', which might upset the victims of crimes, was attenuated by the knowledge that it was part of the important process of reconciliation.

Occasional references are made in the literature to Tutu's commitment to reconciliation and to his role as a champion of reconciliation within the literature. My interviewees argued that where the Commission was perceived as reconciliatory or related to reconciliation the responsibility lay with Tutu. It was hard to find anyone who themselves thought that the Commission was reconciliatory. Several interviewees denied that the Commission had anything to do with reconciliation at all, explaining that Tutu's rhetoric was being confused for reality. Analysing commission hearings suggests that it is not just Tutu giving the appearance of reconciliation. A review of insider memoirs demonstrates that nearly all include aspects which encourage the reader to believe the body saw itself as reconciling. Some staff members also saw reconciliation as important, as did the South African public at large. I hypothesise that just as Richard Wilson (2001) finds that ANC supporters and church members were disproportionately likely to work at, attend and apply to the Commission, so those attracted to the reconciliation-centric message portrayed by Tutu were also more likely to work for the Commission. Thus what began as Tutu's personal interpretation of the meaning of the Act became a more popular interpretation within the Commission as more reconciliation-centric staff were employed. This is not something I can prove, but rather an attempt to understand how the Commission came to be seen as focused on reconciliation when in fact so many of its Commissioners and senior staff felt that it was not a reconciliatory body.

Underlining the absence of reconciliation from the truth commission's work, is the lack of consensus regarding what reconciliation was and thus how to achieve it both within the Commission and outside it. During fieldwork, I asked all interviewees what reconciliation meant to them, and the wide variety of responses I received suggest that far from being a unifying concept which can bring South Africans together, reconciliation has instead become a way of hiding disagreement. Far from confronting their differences, as, for example, Lederach, Montville and Volkan would wish, reconciliation is a term with a range of incompatible meanings. At the extreme, one of my interviewees felt reconciliation was compatible with a Volkstaat, an area wherein only certain races are permitted to abide, for others it indicates that inter-racial relations

must be improved so that all can live together. The Commission failed to prevent this divergence of understanding within its own ranks and failed to promote a common understanding of reconciliation within the population at large. It was not a subject broached during Commission meetings, and as a result the Commission failed to achieve consensus on what it was or how to achieve it. This meant that even when Commissioners or staff attempted to promote reconciliation, they promoted different ideas of reconciliation. An opportunity to interrogate a concept central to South Africa's ability to move beyond its past was instead ignored.

These arguments come together to suggest that the SATRC **should not** be judged on its ability to promote reconciliation.²⁷ Importantly, it should not be assumed that instigating a truth commission in the model of the South African commission will promote reconciliation. However, given the enthusiasm for reconciliation, for truth commissions, most particularly for things called 'truth and reconciliation commissions', and given also the correlation between the work of truth commissions and the models of reconciliation proposed by conflict resolution specialists, I would argue it is premature to claim that truth commissions cannot assist in the promotion of reconciliation. I would certainly not want my findings to be used to make that argument. Rather, I would argue that the enthusiasm the South African commission has generated should be harnessed to create truth commissions that are better able to promote reconciliation. My most important conclusion is that the lack of an original model proposing a casual link between truth commissions and the promotion of reconciliation allows us to add to what seems a promising beginning to order better to promote reconciliation. The insights gained from the conflict resolution literature can, now there is no fear of damaging the efficacy of the original model, be combined with the old model to create truth commissions which have a better chance of promoting a reconciliation that it is believed a society needs. I look upon my findings as an opportunity to make better truth commissions, and to promote reconciliation more effectively.

²⁷ The SATRC itself should not be judged on its ability to promote reconciliation, thus we cannot say that the SATRC succeeded or failed because of its ability to promote reconciliation. We can, and should, continue to try to judge whether it can promote reconciliation. To do this is not to stand in judgement of the SATRC, but rather to measure its capabilities.

The structure of the thesis

Chapter One - Introduction

This chapter has provided the foundations of the thesis. It explained why this topic merits investigation. We have seen that there is a considerable gap in the literature; a failure to explain *how* truth commissions came to be understood as promoting reconciliation. This thesis plugs that gap, and, as I have argued above, in so doing it circumvents an impasse that has developed regarding whether truth commissions promote reconciliation. It is a thesis self consciously situated within the framework of conflict resolution. It aims to help truth commissions work better to build the sustainable or positive peace described by Lederach and Galtung respectively.

Chapter Two – Beginnings

Here I turn to the origins of truth commissions and the South African Truth and Reconciliation Commission. The aim is to introduce and explain both. The first part of this chapter comprises the proof promised earlier that truth commissions before South Africa's were not considered to be strongly related to reconciliation. Two important Commissions, those of Argentina and Chile, are discussed in some detail. The second part of the chapter turns to the history of South Africa, and how it came to need a truth commission. Part of the difficulty the South African Commission experienced in interpreting the idea of reconciliation came from the multiple divisions within South African society, and this chapter explains the historical reasons for that. It offers a myriad of chosen traumas from which South Africans might pick in order to vilify their fellow citizens. The third part of the chapter brings the two earlier sections together. It is an introduction to the Commission which was the product of the history of truth commissions and the history of South Africa.

Chapter Three – Reconciliation

Reconciliation has not been fully enough discussed above, and given its importance to the thesis, here it receives a chapter length analysis, focusing on the intersection between reconciliation and truth commissions. The literature addressing this intersection is more comprehensively addressed than has been possible above. Some of the particularly congested debates around what reconciliation is and how best to achieve it, particularly in light of what truth commissions do, are discussed and a framework for addressing my interviewees' ideas of reconciliation is created.

Chapter Four – The Origins of Reconciliation in the SATRC

This is the first of four chapters based largely on my fieldwork. It focuses on the genesis of the South African truth commission, examining the processes which allowed the Commission to come into being. It covers roughly the period between 1990 and 1994 when the negotiations for a democratic South Africa were ongoing, and begins with my interviewees impressions of that time. They had a tendency to assert that reconciliation came to the truth commission through a form of osmosis, because the atmosphere of the time was suffused with reconciliation. This could only be a partial explanation at best, and instead we examine competing claims from insiders concluding that reconciliation became part of the rhetoric surrounding the truth commission as part of the process of weaving an amnesty into the South African commission. It was also intended to ameliorate the fear perpetrators might feel in the face of a public airing of their guilt. Reconciliation joined the truth commission rhetoric as, in the words of one interviewee, “feel good fluff” (Vally 2008).

Chapter Five – Interviewees’ Reconciliation

As outlined above, the Commission failed to provide a conceptualisation of reconciliation in which insiders felt they could invest. Working within the framework developed in chapter three, it discusses the different views they held about reconciliation. These are used as a way of highlighting the lack of concerted effort that could possibly have been made towards promoting a given version of reconciliation. They also underline the relative unimportance of reconciliation within the Commission; it was not a subject which they believed merited or required discussion or consensus. No interviewee could provide me with a Commission approved conceptualisation with which they worked.

Chapter Six – Finding Reconciliation

This chapter returns to the history of the Commission’s creation as described by my interviewees. These later stages of the creation of the Commission are marked by a growing presence of reconciliation within the rhetoric surrounding the SATRC. The lawyers involved in legislating for the Commission largely regarded reconciliation as just that, rhetoric. For them, it was not a key concept, and for some of them, it was simply a method of concealing the true nature of the Commission. In the Committee appointing the Commissioners, we see an acknowledgement of reconciliation’s

importance, but a certain bafflement regarding how to action reconciliation within the truth commission framework. The appointment of the Commissioners was followed by a confused four months of preparation after which the Commission opened its doors to the world. The first four days of hearing are discussed extensively and the prominent place of reconciliation therein contrasted with Commission insiders' claims of a Commission not aiming for reconciliation. Explanations for this contrast given by interviewees are discussed.

Chapter Seven – Promoting Reconciliation

Taking up where the last chapter left off, this chapter resolves the puzzle of insider denials of a reconciling truth commission and the perception generated by the hearings of the Commission. Desmond Tutu's impact is discussed and his impact is argued to be both the reason the Commission succeeded to the extent that it did and also to be the principal source of reconciliation within the Commission. The mechanism through which his personal determination to make the rhetoric of the Act reality was transformed into the abiding public memory of the event is discussed.

Chapter Eight – Conclusions

Here we return to the conclusions outlined above. These conclusions are gathered together, and used to argue that the lack of a clear plan as to how truth commissions might conduct reconciliation is actually an opportunity. There is anecdotal evidence that truth commissions can promote reconciliation, and this can only be considered hopeful. It is possible to reform the model of the truth commission, allowing it to benefit from the conflict resolution expertise on which the model missed out because of its origin as a mechanism of transitional justice.

Chapter 2: Beginnings

The South African TRC is often explained by its Deputy Chair, Alex Boraine, as the solution to the problem of “how to deal with South Africa’s past” (Boraine 2000a, 14). The Commission’s founding act, the Promotion of National Unity and Reconciliation Act No. 34 1995 (the PNURA) required that it assist South Africa to overcome the legacies of the conflicts of the past (PNURA 1995). The past to which Boraine, and the conflicts to which the Act, refer were agreed to have ended with the inauguration of Nelson Mandela as President on the 10th May 1994 (Boraine 2000a, 70-71). Prior to that date, South Africa had experienced three thousand years of human habitation, three hundred and forty two years of antagonistic multiracial society, eighty four years of pseudo democracy with a disenfranchised majority, forty six years of legally enforced racism and thirty four years of increasingly violent, often racially based, civil conflict.

Of all those conflicts, of all that past, only those last thirty-four years were included within the remit of the SATRC. These years, beginning with the Sharpeville Massacre on the 21st March 1960,²⁸ and ending with Mandela’s inauguration,²⁹ were characterised by a series of concurrent conflicts between a government determined to preserve apartheid and various groups engaged in an armed struggle to end it. The conflicts and their causes were many and complex.³⁰ The purpose of this section is to provide an overview of some of the more important aspects of these conflicts and their causes in order to establish a background to the creation of the SATRC in South Africa.

Building blocks of apartheid

Apartheid is an Afrikaans³¹ word meaning ‘separateness’ but more commonly described as ‘separate development’³². It was official policy of the ruling National Party (NP)

²⁸ During which sixty-nine people were killed by police during a non violent protest in Sharpeville township, some fifty kilometres from Johannesburg, and after which most major anti-apartheid organisations within the country determined to begin armed opposition.

²⁹ Equally, the idea that the past can end is repudiated by the haggling that accompanied discussions of the SATRC’s cut off date for amnesty. See Boraine 2000a, 56-7.

³⁰ The Final Report addresses these conflicts (SATRC 1998). The societal, political and historical factors which fed them are described in Volume 2, Chapter 1, pp 5 -44. Criticisms of these rather limited explanations are included in, for example, Chapman and Ball 2001.

³¹ Afrikaans is the native tongue of the Afrikaner and most Coloured people. It was created in Africa and its words derive mainly from Dutch, but also French, Malay, and Bantu languages. For a discussion of the origins of the language, see Gilomee 2004, 52-3 & 364-9. For a discussion of its importance in Afrikaner identity, see Gilomee 2004 364-9 and 545-7. For a discussion of its role in the conflict between apartheid and anti-apartheid groups see Worden 1995, 118-9.

³² Note the idea of ‘development’ here. This is related to ideas generated by early anthropologists who believed that human races were on a social evolutionary path towards some form of higher

from 1948, after their first electoral success, to 1990, when they began to relinquish power. When classifying apartheid as a Crime Against Humanity, the UN used the following definition of the 'crime of apartheid' "inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them" (UN 1973, Article 2). In contrast, J. G. Strydom,³³ South Africa's Prime Minister in 1957, explained to a BBC journalist that apartheid was a policy aiming

to regulate life between white and black, to eliminate friction between the two groups and to ensure the safety of the white minority while at the same time providing scope for the separate development of the Africans in their own territories in separate townships in the white man's area (Strydom in Peacock 1957, 3.50).

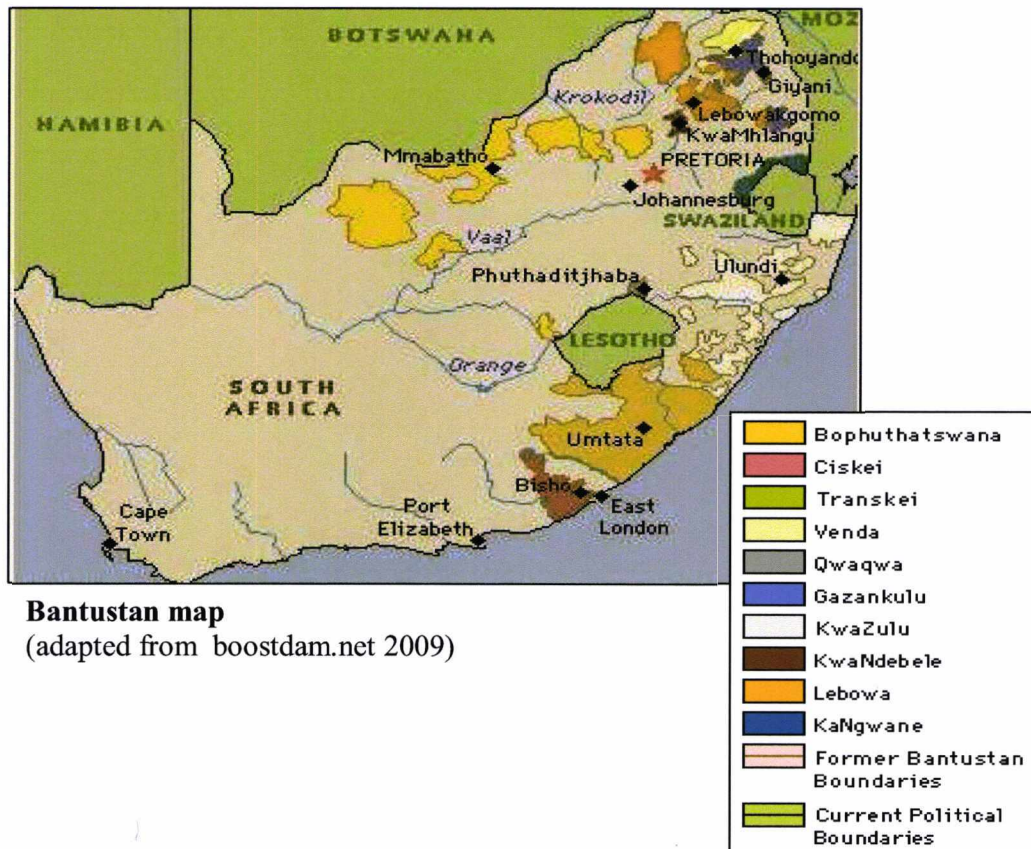
Apartheid comprised a series of laws aimed at dividing the country into four separate worlds, one for each of the 'races' believed to live in South Africa (Louw 2004, 27-55). Land was divided; the majority of the fertile land and the urban areas were classified as 'white only' (Ibid). The townships of which Strydom spoke were poorly built and resourced dormitory accommodation owned by the government within these 'white' areas for black, coloured and Indian South Africans, created in order that they be on hand to provide bodies for the less palatable jobs (Ibid). To live in these townships was considered a privilege that must be earned by providing labour to white people, a privilege that could be withdrawn without notice (Mathabane 1986). Should this happen, one had to leave 'white' South Africa and 'return' to a rural reservation called a 'Bantustan' or a 'homeland'(Ibid). Theoretically, all non-white South Africans should have lived in ethnically apportioned Bantustans; the Ciskei and Transkei for Xhosa, Kwa Zulu for Zulu, Bophuthatswana for Tswana, etc (Worden 1995, 111).^{34,35}

understanding of the world with white Europeans being closest to such an understanding and black Africans further. The *Golden Bough* is perhaps one of the best known exemplars of this method, in that case applied to the religious capabilities of different groups (Frazer 1890).

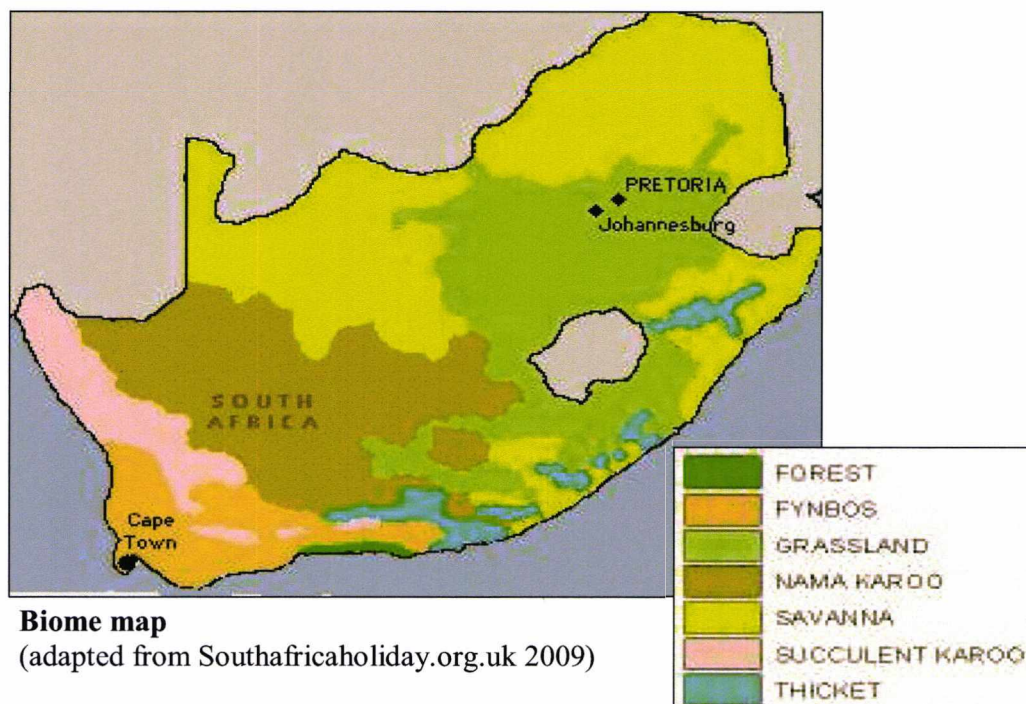
³³ It is a peculiarity of South African politics that Afrikaner politicians are frequently known by their initials while non-Afrikaner politicians are more commonly referred to by their first name. Thus the list of South African Heads of State since 1948: *DF* Malan, *JG* Strydom, *HF* Verwoerd, *BJ* Vorster, *PW* Botha and *FW* de Klerk, but *Nelson* Mandela, *Thabo* Mbeki and *Jacob* Zuma. I have not been able to find an explanation of this eccentricity but surmise that it may be related to the paucity of Afrikaner surnames and the tradition of picking first names from a very small pool of acceptable Afrikaner names.

³⁴ The situation was slightly different for Coloured and Indian South Africans. Coloured South Africans were officially 'from' the Cape and Indians were 'from' the area of Natal around Durban. In these areas they had priority over jobs, and were provided with townships etc of their own (Worden 1995).

³⁵ Four of the homelands received independence over the years, although this independent status was only ever recognised by South Africa (Worden 1995, 111).



Bantustan map
(adapted from boostdam.net 2009)



Biome map
(adapted from Southafricaholiday.org.uk 2009)

As can be seen in the maps above, these homelands were at the physical margins of South Africa, while comparing the two demonstrates the Bantustan's position at the margins of possible agriculture in the dry savannah, far away from the green pastures necessary to raise cattle or the decent soil required by crops.

The Bantustan system was enforced through the pass laws, beginning with the Black (Native) Laws Amendment Act of 1952³⁶, which required black people to carry with them at all times a pass showing where exactly they were entitled to live (Worden 1995, 98).³⁷ This pass required endorsement from one's employer and various government agencies before one could legally exist outside a Bantustan while at the same time being black (Ibid). Apartheid and its pass laws made the majority of South Africans foreigners in the land of their birth, permitted to abide there solely by the grace of the white South Africans.

Not only the land, but everything within it was divided. Certain jobs were reserved for the races to which the government considered them suitable (Clark and Worger 2004, 70). Jobs reserved for white workers were better paid with better conditions (Ibid). The other 'races' had to scramble for the remainder of the jobs, and black people in particular were expected to work in the least pleasant of the trades.

Ensuring children who would grow up to do these jobs were kept in their place was the Bantu Education Act (No 47) of 1953. H. F. Verwoerd, then Minister of Education,³⁸ explained the thinking behind the Act:

There is no place for him [the Bantu] in the European community above the level of certain forms of labour. For that reason it is of no avail for him to receive a training which has as its aims absorption in the European community. Until now he has been subject to a school system which drew him away from his own community and misled him by showing him the green pastures of European society in which he is not allowed to graze... What is the use of teaching the Bantu child mathematics when it cannot use it in practice? That is quite absurd. Education must train people in accordance with their opportunities in life, according to the sphere in which they live

(Verwoerd, cited in Clark and Worger 2004, 131)

Verwoerd neatly summarises the expected life of a black person in South Africa under apartheid; a life that required not even the ability to calculate one's wages; a sort of

³⁶ 'Amendment' because it was technically an amendment of an earlier act enforcing passes in certain areas for certain trades. It can more realistically be seen one of the original cornerstones of apartheid within its own right

³⁷ The system was begun in 1923, but the 1952 Act enlarged the system.

³⁸ Later Prime Minister

permanent childhood where a decent education could only provide promises that must be broken.

Beyond a system of education designed to keep the educated class white, a system of employment designed to keep good jobs white, and a system of land distribution designed to keep the fertile land white, were the little indignities of 'petty apartheid'. These were the separate parks, hospitals, benches, ambulances, swimming pools, buses, restaurants, bars, and even doors (Ibid, 48). The Reservation of Separate Amenities Act (No 49) 1953 governed the minutiae of life and ensured every cinema for black people was just a little more cramped, a little less modern, than its 'whites-only' counterpart (Ibid). Once one had been relegated to a poor education, with a poorly paid job done in miserable conditions, made a foreigner in one's own country, and entered every government building through a shabby side door marked 'Nie Blankes',³⁹ one had to explain apartheid to one's children. Archbishop Tutu describes trying to make his daughter, raised in the UK, understand why she could not play:

... we passed a children's playground, Mpho said she wanted to go on the swings, and I said "No, sweetheart, you can't" and she said "But there are other children there". You get quite sick having to say "Yes, there are other children there, but they are children not quite like you" (Tutu cited in Allen 2007, 102)

The legal foundation of apartheid was the 1950 Population Registration Act No 30, which, in the words of the SATRC Final Report, "required people to be identified and registered from birth as belonging to one of four distinct racial groups" (SATRC 1998, Vol 1, 451). This classification provided the basis of the National Party's life plan for an individual, from the level of ante natal care one could receive, to the home at which one arrived from hospital, to school, work, retirement, and finally the graveyard in which one was buried. Ensuring these classifications remained pure were four separate laws aimed at preventing interracial relationships and any consequent children (SATRC 1998, Vol 1, #13). These laws were policed, and contraveners prosecuted (van den Berghe 1960). At the heart of the National Party plan for South Africa was the protection of the purity of the white blood line.

'Race' in South Africa

Underpinning the NP's fear of miscegenation, and this talk of 'races', are two things. The first is the National Party's adherence to an understanding of genetics, evolution

³⁹ 'Not whites'; this term covered all people not considered to be white.

and human biology more flawed than it became vitriolic. The second comprised a population with sufficiently different phenotypes to permit racial classification. Some differences in phenotype were argued as the result of racial variation⁴⁰ and these particular physical traits were then used to accord everyone a race; if one had dark skin and a wide set nose, one was black; pale skin and thin nose, white; medium skin and sloping shoulders, coloured; medium skin, straight hair and flat shoulders, indian. The lack of phenotypic variation between groups that permitted such classification was the result of a series of migrations over the last 3,000 years and a lack of breeding between new migrants and existing populations. The first arrivals, around 1,000AD, were hunter gatherers speaking KhoiSan languages (Worden 1995). Bantu speaking pastoralists and arable farmers came in a succession of waves from 300 AD (Ibid). Third were Dutch speakers who arrived in 1652 (Ibid). By this time, little enough mingling had occurred between the KhoiSan and Bantu speakers that they were felt to be different races by the European immigrants (Ibid, 8). They felt further that they were yet another, but far superior, race (Gilomee 2004). Arriving in the late 1700s, British colonists joined the 'white' group. Finally, from 1860, the British imported indentured labour from India into the Colony in such significant numbers South Africa gained another race (Worden 1995).

These migrations combined with insufficient miscegenation provided the building blocks for a society stratified into races. The Population Registration Act formalised a belief in the minds of South African policy makers that the population was divided into the four major classifications mentioned above: Black (descendents of Bantu speakers), Coloured (descendants of a variety of interracial relationships, especially early European settlers and Malay⁴¹/KhoiSan/Bantu speakers), Indian (descendants of Indian indentured labourers), and White (descendents of Europeans). These categories were largely based on a person's physical appearance and consequently embarrassingly flexible. Robin Cohen explains this neatly "In 1984 ... 518 former Coloureds became

⁴⁰ Skin colour, curliness of hair, nose shape, slope of shoulders etc. There were 'clear cases', but attention to detail was required in others. Mandela describes the process of getting one man's colour formally changed "I had formidable documentary evidence to establish my client's case, and the prosecutor formally indicated he would not oppose our appeal. But the magistrate seemed uninterested in both my evidence and the prosecutor's demurrals. He stared at my client and gruffly asked him to turn round so that his back faced the bench. After scrutinizing my client's shoulders, which sloped down sharply, he nodded to the other official and upheld the appeal" (Mandela 1995a, 175)

⁴¹ Malay slaves arrived with the first European settlers (Gilomee 2003).

white, two whites became Chinese, one white became Indian, 89 blacks became Coloureds, and five Coloured became black. One man, Vic Wilkinson, probably holds the record by having crossed the racial divide five times” (Cohen 1988, 21). Mr. Wilkinson’s experience demonstrates the nonsense of racial classification. This thesis understands the idea of race as biological principle as fallacy⁴², understanding Mr. Wilkinson’s experience as exemplary of the practical implications of this fallacy. Race is a social construct. It is, however, an important social construct in South Africa. While this thesis continues to use apartheid terms for different ‘races’, as well as the word ‘race’ itself, it does so under protest and solely to avoid the more verbose alternatives.⁴³ In this it follows common practice in South Africa, exemplified by the SATRC report (SATRC 1998, Vol. 1, 6).⁴⁴ It also maintains the old apartheid racial categories, as does, for example, the modern South African census, because these categories have become important markers in the identities of modern South Africans (Statsonline 2003). I now turn to the history of South Africa, very briefly to summarise the conflicts the SATRC was supposed to help South Africa overcome and where their origins lay.

Racism in South Africa

The original white South Africans were employees of the Dutch East India Company (VOC, for its initials in Dutch), which created a staging post at Cape Town in 1652 (Gilomee 2004, 13). The majority were neither wealthy, nor educated; a career in the VOC was only just more palatable than complete destitution in the Netherlands (Ibid, 4). The Dutch were joined by what today would probably be called refugees, French Huguenots escaping religious persecution in Europe, as well as various other explorers and escapees, including a large group of single male ‘economic refugees’ from Germany (Ibid). By the early 1700s, white people were beginning to feel Africa was their home; the first recorded use of the term ‘Afrikaner’ was during this period, when a drunk teenager argued with the authorities that he should not be expelled from the Cape

⁴² See Klein 1999 for an introduction to the subject.

⁴³ e.g. “people formerly classified as Black under the apartheid system”

⁴⁴ The Chairperson’s Foreword comments “a few words need to be said about that great difficulty South Africans experience when describing their fellow compatriots. The former government defined every person according to a racial category or group. Over the years, these became the badges of privilege and of deprivation. For the purposes of the report, the significance of this racial branding is simply that these categories are reflected in statistics produced over the years and, in their own way, provide a guide to the inequities of the past.” (SATRC 1998, Vol 1, 6)

because he was an 'Afrikaner', literally, an African (Ibid, 22). These Afrikaners no longer had a home elsewhere: South Africa was all they had.

The VOC ceded control of the Cape to the British in 1806, who had become involved in the area in the 1700s because of their struggle with France. This led to a destructive clash of values between Afrikaner and Briton (Worden 1995, 9). The British, as Jean and John Comaroff have argued, had a mild saviour complex regarding the 'Dark Continent'; they were going to civilise it, bathe and clothe its inhabitants, educate them into being good British subjects, and persuade them to abandon their heathen beliefs in favour of the Christian God (Comaroff and Comaroff 1986). The Afrikaners were 'at home', they had over a hundred years of experience of black South Africans and felt the Afrikaner was the natural superior of the black person (Gilomee 2004). Both groups would have subscribed to the then commonplace belief that black people were the intellectual and moral inferiors of white people and that God, as the creator, had intended the situation to be thus; the difference was the curious British obsession with attempting to 'redeem' them (Comaroff and Comaroff 1986, Gilomee 2004). Afrikaners were also resentful of the power wielded by the British, who attempted to interfere in matters felt by Afrikaners to be not their domain (Gilomee 2004, 144). From around 1830, groups of Afrikaners fled the Cape and British rule, making their way north and setting up their own republics (Ibid, 144-160)⁴⁵. Twice now, the Afrikaner had subjugated Africa to find themselves a homeland.

During the two Anglo Boer wars the British, in the Afrikaner view, attempted to take that homeland from them for a second time (Ibid, 248)⁴⁶. The second Anglo Boer war cemented the Afrikaners' negative view of the British; a scorched earth policy was employed and women and children placed in concentration camps (Ibid, 253-256). The following words are Emily Hobhouse's, a British woman who campaigned against the concentration camps. They draw out some of the horror of the camps, which explains some of the Afrikaner fear of subjugation:⁴⁷

⁴⁵ This is the 'Great Trek' and those who took part in it are the Voortrekkers.

⁴⁶ The first of these being their occupation of Cape Colony. Afrikaners had thus fled Europe, arrived in Africa and conquered it for themselves only to have their way of life criticised by the British. They had then left the Cape, where the British had control, and found territory where they could live in peace. The Anglo Boer wars attempted to take that territory from them again.

⁴⁷ See Gilomee's discussion of the loathing those who survived the camps held for the British (Gilomee 2004, 256)

They went to sleep without any provision having been made for them and without anything to eat or to drink. I saw crowds of them along railway lines in bitterly cold weather, in pouring rain - hungry, sick, dying and dead. Soap was an article that was not dispensed. The water supply was inadequate. No bedstead or mattress was procurable. Fuel was scarce and had to be collected from the green bushes on the slopes of the kopjes (small hills) by the people themselves. The rations were extremely meagre and when, as I frequently experienced, the actual quantity dispensed fell short of the amount prescribed, it simply meant famine. (Hobhouse, cited in Allen 2005, 332-3)

Nearly 30,000, mostly civilian, Afrikaners died in the British concentration camps.⁴⁸

Peace was finally agreed, and the Union of South Africa created in 1910. Gilomee depicts the Boer attitude to post war reconciliation with the British as negative, citing the response of an unnamed camp inmate as "To my mind, it is not only impossible but undesirable" (Unknown, cited by Gilomee 2004, 256). Left out of the negotiations between the two white peoples of South Africa were the not-white peoples of Africa. Black people and their leaders were ignored in the compromise that was eventually reached; after the animosity created by the Anglo Boer war, the white peoples were so concerned that they be at peace, they ignored the black peoples and their leaders. For peace, the British gave up their elegant theories about 'civilising' black people (Worden 1995, 30), leaving a disenfranchised majority that would only be consulted on their own future eighty four years later⁴⁹. The Afrikaners gave up their independence and suffered the ignominy of British rule, as well as the marginalisation of their language and culture (Gilomee 2004, 266).

After the Union the Afrikaner elite began musing on their situation. While, in their own view, South Africa was the Afrikaners' promised land and a land that they had made habitable by civilised folk, some of their number were beginning to experience severe poverty and all of them were subjugated to a British monarch. In addition, they were a people without a state of their own, and a people that could soon be swamped culturally and physically by British immigrants or African 'natives'. This was not a tenable position for God's chosen people. Afrikaner nationalism was seen as part of the solution; a stronger Afrikaner nation would be better able to fend off the encroachment of the other. Efforts were made towards inspiring the Afrikaner people towards such a nationalism, with Afrikaans language newspapers and Afrikaner cultural events.

⁴⁸ An unknown number of black, Indian and coloured people also died in these camps. Their plight went unrecorded by any contemporary source I can find. Krog (1995) records the numbers of Afrikaners as 26,000 women and children and 6,000 men.

⁴⁹ Except in the Cape, where British style property requirements extended a theoretical franchise. In practical terms, this offered the vote to almost no black people.

During the 1930s, Afrikaner nationalism began to take hold. Gilomee writes that both the Great Trek and Anglo Boer war began to be of interest again; the Great Trek represented the strength and might of the Afrikaner nation and the horrors of the war, its suffering (Gilomee 2004, 432). The Voortrekker Monument, whose ugly hulk dominates Tshwane⁵⁰ was begun in the 1930s, commemorating the Battle of Blood River, where a small number of Voortrekkers⁵¹ defeated a much larger Zulu force. Blood River became a defining moment of the Afrikaner nation; only God could have allowed them this victory, and in it they saw His promise that South Africa was theirs. The building of the Voortrekker monument was a strong signal to the Afrikaner people to remember their history.⁵²

With nationalism, came a resurgent National Party, and with the National Party came the second part of the plan to protect and promote Afrikaner interests: apartheid. Apartheid was certainly not the first racist policy in South Africa, and those who voted for it had not suddenly been converted to racism. Racism had, as the above history has implied, been common in South Africa (and globally) for centuries. Nor were British South Africans immune from the idea of white supremacy. In the late 19th century, for example, Gilomee argues that

With the world experiencing an upsurge in racism in the 1880s, the Afrikaner and English speaking whites tended to justify white supremacy in different ways. English South African politicians and journalists drew particularly on the concept of a biological hierarchy of races and on the (social) Darwinian theory of survival of the fittest. By contrast, Afrikaans or Dutch publications ... focused on an idealised picture of paternalism, depicting the white master as caring for faithful servants, and punishing them when they erred. (Gilomee 2004, 286)

Black South Africans were used to racism and expressions of racism by the time apartheid was formulated. Nelson Mandela explains what the NP's victory and the coming of apartheid meant to him:

it represented the codification in one oppressive system of all the laws and regulations that had kept Africans in an inferior position to whites for centuries. What had been more or less *de facto* was to become *de jure*. The often haphazard segregation of the past three hundred years was to be consolidated into a monolithic system that was diabolical in its detail, inescapable in its reach and overwhelming in its power (Mandela 1995a, 127)

⁵⁰ Then Pretoria and currently in the process of being renamed to remove its association with Andries Pretorius, who led the Great Trek and oversaw heavy Zulu casualties at Blood River.

⁵¹ Those who took part in the Great Trek

⁵² Given Volkan's arguments regarding chosen traumas discussed in the previous chapter, perhaps South Africa needs to think more deeply about Antjie Krog's (1995) complaint that the damage done to her people was never properly addressed. See Krog 1995.

For its creators, apartheid would deal with the issue of being overrun by black people because it would give black people their own land, away from that of white people. It would reduce pressure in the job market as the better jobs would be reserved for white people, thus alleviating the problem of 'poor whites'. It would preserve the Afrikaner nation from the emerging threat of black numerical supremacy and the possibility of miscegenation. Further, it would create a country for the landless Afrikaners in which their only competitors were the British. Apartheid was a plan for survival; a way in which the Afrikaner *volk* could thrive in the land they won in battle many years ago.

After the 1948 victory of the NP, apartheid became an increasingly entrenched policy, supported by a majority of both Afrikaans and English speaking white South Africans (Gilomee 2004, 607).⁵³ Over the next forty two years, opposition to apartheid would mount in the black, coloured and indian communities, as well as among a minority of white people. As will be discussed, this opposition was sometimes linked with communism, a great fear of which overtook many states in the last half of the twentieth century (Ibid, 547-8). The link with communism, as well as the sometimes violent tactics used by the opposition organisations, enabled many South Africans to believe that apartheid was increasingly necessary (Ibid, 607). It alone could protect them from the *swart gevaar*, the violent black hordes, and the *rooi gevaar*, the godless communists (Ibid, 458). Eventually, the NP would hand power over to the majority in the first democratic elections, but only after decades of opposition.

Origins of opposition

The origins of opposition to apartheid have roots just as long as those of the origins of apartheid itself. Starting with a small group of KhoiSan speakers who threw rocks at the first white people to attempt to land on South African soil in 1488 (Ravenstein 1900), a distinct lack of enthusiasm for new settlers was noted in South Africans from the beginning of interracial interactions. From 1657 onwards (when the VOC arrived), resistance against the new settlers was present, but sporadic (Gilomee 2004, 8). Early resistance was characterised by small parties of KhoiSan speakers engaging in border skirmishes with or raiding the cattle of the European settlers (Ibid, 60-1, 77). In general, KhoiSan-European relations were reasonable (Ibid, 60). Only when the

⁵³ While the NP were originally elected with only forty percent of votes of which most were cast by Afrikaners, by the 1970s the NP had a solid base of support in both communities (Gilomee 2004, 482, 607)

Europeans left the Cape in large numbers during the Great Trek did they encounter more significant resistance (Ibid, 163-5), and even this was tempered by the social instability created by Mfecane (Worden 1995, 13-4).⁵⁴ The disturbances of Mfecane had, in general, left the Bantu speaking cultures divided and weakened (Ibid), although two of South Africa's most revered leaders, Moshoeshoe and Shaka, did emerge from the chaos to lead their people against white incursions (Ibid, 14, 16). These two leaders inspired later resistance and are remembered with awe as are the battles fought, by both them and other leaders, during their time.⁵⁵ Despite some victories, organised military resistance was destroyed by the time of the second Anglo Boer War in 1899, after which time military battles tended to be fought between white people, rather than against them (Worden 1995).

The overwhelming military power of white South Africans ushered in a period of resistance to white power characterised by peaceful protest and reasoned argument. In 1909 and 1913, while the Union was being formed and the first major racist laws created, two separate subscriptions were taken and two separate delegations of concerned black people sent to London to plead their cause with the British Parliament and its Queen (ANC 2009). Lobbies were sent to the Union Buildings in Pretoria (Ibid). Pamphlets were written and distributed (Ibid). This tradition was fostered and continued by the creation of the South African Natives National Convention (the forerunner to the ANC), whose early constitutions outline their goal of peaceful change (Ibid).

This was before apartheid was legally extant. After 1948, as apartheid laws were passed and life became increasingly intolerable for those without white skin, resistance became popularised (Worden 1995, 99). After that date we begin to see mass movements, rather than the earlier style of resistance primarily sponsored by an intellectual elite. These mass movements included the burning of passes; 'stay aways'⁵⁶; boycotts of various types; and emotively peaceful marches (Ibid). The 1950s now seem as halcyon days of the resistance movements. There was little rivalry between different anti-

⁵⁴ A period of internal conflict and chaos between 1810 and 1840 spreading out from modern day Kwa Zulu Natal affecting the Bantu speaking peoples of the area

⁵⁵ Moshoeshoe had, for example, Lesotho's main airport named after him. Shaka's name is remembered in many place names in South Africa. Walter Sisulu stated his work for the ANC was inspired by both these leaders and their contemporaries (ANC 2009)

⁵⁶ Mass non attendance of work, as seen in a general strike

apartheid groups, and thus no violence between them. Government repression in terms of security had yet to reach its full terror (Ibid). The Freedom Charter, one of the most beautiful pieces of writing in the English language, was published; its hopes for friendship, peace, prosperity and brotherhood still seemed like achievable goals (Ibid, 105-6). It was, however, the Freedom Charter that led to the first major division within the anti-apartheid movement. The Charter moved away from the spirit of African nationalism that previous ANC doctrines had celebrated (Ibid, 106). Disagreeing with the abandonment of what they felt was a key principle of the struggle, a dissenting group left in 1959, forming the Pan Africanist Congress (PAC) and beginning the factionalism that would cause such bloodshed in the late 1980s and 1990s (Ibid). Prior to the ANC/PAC split, however, the ANC was the major black opposition organisation. There were other opposition organisations including the South African Communist Party (SACP), perhaps the least racially based of the opposition organisations; the Black Sash, a women's movement largely drawn from white society; as well some trade unions, church groups and a few students' organisations (Worden 1995). The 1950s are not, however, largely remembered for these groups, but for the burgeoning popularity of the ANC, who, with a leadership including Nelson Mandela, Walter Sisulu, Albert Luthuli, and Govan Mbeki, was fast proselytising the urban black population (Mandela 1995a, 159; Worden 2000). That urban, black, ANC supporting population were the major participants in the mass movements mentioned at the top of the paragraph (Ibid).

Opposition to apartheid in formal political fora was minimal (Worden 1995, 100-2). The leader for the official opposition, the United Party (UP), was quoted in a BBC television programme explaining the difference between NP and UP policy on apartheid as "the Nationalist [NP] policy is very repressive and at times I even think it's callous ... we believe in the so called traditional colour policy that has been practised in South Africa for years ... a policy of social and residential separation" (Wilson, cited in Peacock 1957). Today, one might query how any policy of social and residential separation could not be callous, but for the UP, and for the majority of their constituency, apartheid as an idea was not intrinsically evil, it just needed adjustment and refining: no brutality, but no sharing, no mixing of races, literally or metaphorically (Worden 1995, 99). As the decade closed, only third sector groups offered real opposition to apartheid; there was neither representation for black people in parliament nor was there a voice for those who wished to see black people represented (Ibid). The

struggle had nonetheless remained largely peaceful, and its supporters hopeful that it was possible to change government policy using direct action and reasoned argument.

Sharpeville to Biko

This changed eighty days into 1960 with an anti-pass protest organised by the PAC in Sharpeville township, some sixty kilometres south-south west of central Johannesburg (Deegan 2001, 31). On the 21st March, thousands of protesters gathered outside the local police station (Ibid). They arrived without their passes, setting up camp outside the station and suggesting that the police arrest them (Ibid). At some point someone may have thrown a stone, or perhaps several people threw stones, perhaps no one threw anything (Martin 2007, 12-14). In response to stones or an absence of stones, the police fired live ammunition into the crowd and at least sixty nine people died, many of them shot in the back (Ibid, 12). Sharpeville changed the struggle; after this date the fight between anti-apartheid groups and government groups became increasingly violent and polarised (Deegan 2001, 31). For this reason, it is the day that the SATRC mandate began.

The government response to Sharpeville was to introduce a series of totalitarian security laws, most immediately making membership of the PAC and the ANC illegal (Deegan 2001, 32). The ANC and the PAC responded by beginning their own armed struggles (Ibid). The ANC, with the SACP, set up Umkhonto weSizwe,⁵⁷ known as MK, and the PAC created Poqo, later called APLA⁵⁸ (Worden 1995, 114). MK operations comprised largely exercises aimed at damaging infrastructure and assassinations; they generally aimed to minimise civilian casualties⁵⁹ (Ibid). Poqo/APLA operations tended towards the more violent with less of a regard for civilian life (SATRC 1998). Both groups' operations became increasingly violent over time (Ibid)⁶⁰. From their banning in 1960 to the 2nd February 1990, formalised black opposition in terms of the major political organisations existed underground, in prison or in exile.⁶¹ Within South Africa,

⁵⁷ Literally 'spear of the nation' in Xhosa

⁵⁸ Meaning 'pure' or 'alone' in Xhosa and later known as the Azanian Peoples' Liberation Army or APLA

⁵⁹ The famous exception being Robert McBride's bombing of the Magoo Bar in Durban. The bomb killed three and injured seventy three civilians.

⁶⁰ Membership of any ANC/PAC related group was, of course, illegal and consequently all activities underground.

⁶¹ This was particularly true for the ANC, a significant number of whose leadership was arrested at Rivonia, the MK base in the Johannesburg suburbs (Worden 1995, 115). The Rivonia trial sent a generation of the ANC to prison, including Nelson Mandela, Walter Sisulu, Govan Mbeki and

opposition was, to an extent, acephalous; the youth were left to fend for themselves (Worden 1995, 118).⁶²

Outside South Africa, decolonisation and a growing understanding of the ills of racism combined with Sharpeville's dead began to foster the beginnings of a movement sympathetic to the anti-apartheid organisations during the 1960s and 1970s. The boycott of South African goods began; advocacy organisations were started; the UN began passing a series of resolutions condemning apartheid; money and resources began to be offered to the major resistance groups and the military training of MK and Poqo/APLA guerrillas was offered by Russia/Cuba and China respectively. Camps of exiles began to be set up in the 'front line' states; those countries which shared a border with South Africa⁶³ (Worden 1995, 115). Training was offered, in everything from the ideological foundations of the ANC to the correct method to clean an AK47 (Ibid). Increasing numbers of anti-apartheid activists fled South Africa for these camps (Ibid). This left South Africa proper without an effective resistance for most of the 1960s; the leadership was exiled or imprisoned, and the membership was either corralled into camps on the border or without direction within the country (Ibid).

The mid 1970s witnessed a reinvigoration of the anti-apartheid movement, as new leaders and ideas emerged and the existing organisations refined their tactics. In response, it saw the creation of the first paramilitary group aiming to support apartheid, Eugene Terre Blanche's Afrikaner Weerstandsbeweging (AWB).⁶⁴ It was also the first time that a real parliamentary opposition could be felt; after thirteen years of Helen Suzman standing as a lone anti-apartheid voice in Parliament, in 1974, she was joined by six more Progressive Party (PP) MPs. In terms of anti-apartheid ideology, the decade was overshadowed by the ideas of Steve Biko (Worden 1995, 116). In 1969, he had created the South African Students Organisation (SASO), breaking away from the

Ahmed Kathrada. After Rivonia, the ANC National Executive Committee (NEC) was careful to avoid large groupings of its leadership within South Africa. Robert Sobukwe, leader of the PAC, had been imprisoned immediately following the Sharpeville protests. He was released in 1969 and spent the rest of his life living under a banning order in Kimberly. He died in 1978, still under house arrest.

⁶² For an excellent discussion of the effects on the youth in the 1980s see Bozzolli 2004

⁶³ Today Lesotho, Swaziland, Namibia, Mozambique, Zimbabwe, and Botswana. In 1960 they were all still colonies and because Namibia was a South African protectorate, Angola was also a front line state. Their respective names as colonies and the dates these ceased to be relevant are: Basutoland (1966), Swaziland (1968), South West Africa (1990), Portuguese East Africa (1975), Southern Rhodesia (1980) and Bechuanaland (1966)

⁶⁴ Now largely defunct, the AWB gained prominence in the 1990s. This section of the thesis was written before Terre Blanche's death.

national student union in the spirit of Black Consciousness (Ibid).⁶⁵ Over the decade, SASO would spawn other organisations with similar memberships and ideologies including the Black Consciousness Movement (BCM) and the Black Peoples' Convention (BPC) (Ibid). By the mid 1970s, Black Consciousness and its eloquent proponent, Steve Biko, were gaining popularity within the black urban population (Ibid).

Soweto to Total Onslaught

When a more radicalised population met with a new law that black children must be taught in Afrikaans, the result was protest. On 16th June 1976, 10,000 schoolchildren began a march through Soweto in a protest organised by the students themselves (SATRC 1998, Vol 3, 18).⁶⁶ Police met the marchers along the route and, perhaps because the children were singing Nkosi Sikelel' iAfrika,⁶⁷ opened fire (Ibid, 557-563). The children, with a nihilism that their elders did not possess, set the township ablaze. As the adults returned to Soweto after work, they found it blocked off by a police cordon, as children rampaged through the centre, burning anything connected with the regime or authority (Ibid). Death tolls for the day are inaccurate, but around twenty people died, including two white civilians attacked by groups of black civilians, and the twelve year old Hector Pieterse, whose death from a police bullet during the original protest was eternalised by the photograph overleaf.

By the end of the week, protests had spread to include adults and children across the country, with riots in townships in most major conurbations (Ibid). The disturbances precipitated by the police reaction to the Soweto protest are stated by the SATRC to have resulted in 675 deaths and more than 2,000 injured (Ibid, 18). Groups of youths intimidated civilians into professing their allegiance to anti-apartheid organisations or ideologies and assaulted those who would not comply (Ibid). Businesses and infrastructure associated with the regime were set alight and looted (Ibid). Those perceived as complicit with the regime were assaulted or killed (Ibid).

⁶⁵ Its central aim, according to Biko, was to help the black population become "real black people, who do not regard themselves as appendages to white society" (Biko 1978: 51).

⁶⁶ Most of South Africa's anti-apartheid groups have claimed to be the inspiration for the protests, but the leaders seem to have been radicalised non partisan children who would each go on to join different 'official' groups later in their lives. See Vol 1, #2, p. 25 for PAC claims,

⁶⁷ 'God Bless Africa'. Today the national anthem, then a dangerous revolutionary statement.



From left to right: Antoinette Pieterse; Hector Pieterse; and Mbuyisa Makhubo⁶⁸

Today the Soweto Uprising, as the weeks following the original protest became known, is primarily remembered for the brutality of armed police killing children, rather than the lawlessness that followed. Largely forgotten is that it was the first time mass violence against black civilians was used in the name of the struggle *against* apartheid, rather than in the struggle to *maintain* apartheid (Ibid). The riots were the excuse the regime needed to tighten its grip on security, resulting in the 1976 Internal Security Amendment Act No 79, which considerably strengthened powers of detention, and the retroactive 1977 Indemnity Act No 2, granting immunity from prosecution for police officers (Ibid). A final important effect was that the mass criminalisation of the youth which resulted from the Uprising led to an increase in the number of recruits heading over the border to the (largely) MK camps in front line states (Ibid). Eventually, the government brought the townships under a semblance of control, but the childhood of the '76 Generation'⁶⁹ was eroded (Ibid). Even for those who had not 'hopped across the border', formal schooling was abandoned for several months and their place as enforcers of a new militancy gave them a strange position in relation to adults, who had

⁶⁸ All victims of apartheid violence, committed by whatever side, who are mentioned in this thesis appear in Appendix 1 along with the brief description of their victimhood provided by the seventh volume of the SATRC Final Report.

⁶⁹ As those who took part in the event of the Uprising are known

traditionally occupied roles of power (Ibid).⁷⁰ When Steve Biko, leader of the Black Consciousness Movement that had inspired the children, was killed in detention in 1977, a new round of acephalous riots began.

PW Botha's election as Prime Minister, shortly after Biko's death, heralded the era of the 'total strategy' with its emphasis on complete state security. It was, states the SATRC Report "based on the premise that South Africa was the object of a total onslaught, supported or even coordinated by the Soviet Union" (SATRC 1998, Vol 2, 26). Society became increasingly militarised with all members being drawn into the conflict and being asked to 'take sides' (Ibid, Vol 5, 295). Government tactics against anyone aligning themselves with the anti-apartheid organisations became increasingly repressive (Ibid). The South African Defence Force, the SADF, and various special operations bureaus were increasingly deployed within and without South Africa to remove any and all resistance to apartheid. Counter-revolutionary strategies employed included assassinations inside and outside South Africa; the recruiting of 'askaris', which in a South African context are members of the anti-apartheid organisations who worked for the government as double agents; and torture, rape and murder of detainees at sites like Vlakplaas (SATRC 1998).

The ANC and aligned organisations regained some of their former strength from the late 70s onwards (Beinart 2001, 228). Apartheid was increasingly unpopular outside South Africa, and the trickle of help which began in the late 1950s became more substantial after the picture of Hector Pieterse's body, carried by Mbuyisa Makhubo and accompanied by his screaming sister⁷¹ appeared in newspapers globally (Thomas 1996, 184, 192, 196). Within South Africa, the '76 Generation' provided a new group of recruits while their parents were becoming increasingly shocked by the brutality of the apartheid security apparatus, making them more amenable to resistance (Ibid, 153). The camps in the frontline states grew larger and more organised. Forays were made into South Africa proper and groups of young people were organised into resistance cells (Worden 1995, 131). A reinvigorated MK bombed military targets, with some civilian loss of life, and planted landmines (Ibid). The PAC was less organised during this period and failed to make a significant impact with Poqo/APLA. It was also during the early 1980s that the United Democratic Front (UDF), an umbrella group ANC aligned

⁷⁰ See Schuster 2004 for a discussion of children's life in exile and in the camps.

⁷¹ Makhubo was eighteen at the time, although in the picture he looks much younger.

groups, was formed (Ibid, 128-9).⁷² Headed by Tutu, it comprised around 300 groups. Its most noticeable campaign successes were mass marches, although it also had an advocacy role (Ibid). To a very real extent, it was the legal face of the ANC within the country (Ibid). Its role, however, differed; it was the acceptable face of the ANC, without the violence associated with a banned resistance movement and its armed wing (Ibid).

Chaos to democracy

In 1984, the ANC declared its intention to make the country ungovernable. After this date, parts of South Africa slowly collapsed into chaos, exactly as the ANC had dictated they should. Councils in black areas were overthrown and replaced by groups of young ANC cadres (Worden 1995, 130). Townships became virtual no go areas for the police, who, when they did venture in, came in quick raids using large armoured vehicles (Ibid, 131). Strikes, stay-aways and sit-ins became commonplace (Ibid). The government responded by declaring a State of Emergency, which stayed in place until 1990, and by redoubling its counter-revolutionary efforts (Ibid, 130).

Massive amounts of the state budget went on defence, most of it deployed internally. Conscripted whites fought a civil war in the townships, white schools were infused with security force propaganda and military training and the State Security Council played an ever increasing role in the form of government policies (Worden 1995, 131)

After the State of Emergency was declared, South African anti-apartheid groups began to turn against each other. Where previously there had been intellectual disagreement and discussion amongst the leaders, the foot soldiers of the groups now began to clash physically (Ibid, 134). The violence that had been meted out by black people to black people seen as collaborating directly with the regime, such as the police and local councillors, began to be used against those who did not share one's exact politics, it was no longer enough to be against apartheid, one now had to choose which sort of anti-apartheid activist one was (Ibid, 133). This violence worsened as the leaderships of the Inkatha Freedom Party (IFP), which Mangosuthu Buthelezi founded in 1975, and the ANC fell out over what the ANC saw as the IFP's collaboration with the apartheid regime (Ibid).

⁷² It was as a result of disagreements over some of the Freedom Charter's pledges that the PAC and the ANC split. Thus ANC aligned groups, called Chaterists, were members of the UDF, and PAC aligned groups were not.

With the country ungovernable, a militarised black youth, a terrified white population and international condemnation at fever pitch, the National Party finally came to realise the benefit of negotiating with the anti-apartheid organisations.⁷³ Secret negotiations had been ongoing at various locations for several years, but when PW Botha was persuaded to resign in September 1989, and FW de Klerk, who thought of himself as a great reformer, became leader of the NP, the negotiations could come out into the light (Worden 1995, 136).

On 2nd February 1990, de Klerk shocked the country and the world by announcing the unbanning of all political parties, the release of many political prisoners, and a host of other measures aimed at de-escalating the conflict and paving the path towards formal negotiations (Ibid, 137). This led to a series of multi-party negotiations culminating in agreement of a provisional constitution, and democratic elections to choose a Government of National Unity to finalise the constitution and govern a free South Africa (Ibid, 138-144).

The negotiations, held at Kempton Park, were lengthy, acrimonious and beset with problems, some of which seemed insurmountable,⁷⁴ but equally serious was the situation outside Kempton Park. After 1990, violence between anti-apartheid groups became endemic to some areas; KZN and the townships around Johannesburg were particularly badly affected as the IFP and the ANC fought for control of the population. There is considerable evidence to support the rumour of the time that the violence was definitely funded, at least fuelled and perhaps initiated by the 'third force'; government troops collaborating with and or pretending to be resistance organisations and launching attacks on rival areas (SATRC 1998). The 'independent' Bantustan governments began to collapse; at one point, Bophuthatswana found itself 'invaded' by the AWB who were conducting an abortive attempt to prop up the failing Bophuthatswanan government. The AWB carried other anti-democracy campaigns, including a successful invasion of the negotiations at Kempton Park. Adding to the chaos was a resurgent APLA, who carried out a violent campaign against white civilian targets during the negotiation period, attacking golf clubs and bars and promoting the slogan 'One Settler, One Bullet'

⁷³ Also relevant were the collapse of the Soviet Union and the perilous state of the South African economy (Worden 1995, 135-6, 138)

⁷⁴ These are documented in Sparks 1996

(SATRC 1998, Vol 3, 29-33). During the last four years that South Africa was without democracy, some 20,000 people died in political violence.

This historical overview has looked at South Africa's past, and how South Africa came to that past: A very beautiful country, settled by several groups over several millennia, eventually became the pariah state of the world because one group, in an act of misconceived self preservation, was determined to rule over the others. When the subservient groups protested, they were ignored; when they turned to violence, they were met with greater force and totalitarian security measures; when, after forty two years the ruling group finally began to negotiate themselves out of power the repressed peoples turned on each other, fighting for the promise of the political power they had been denied. Eventually, South Africa emerged, a new democracy with a strong constitution and a leader of fabled moral stature, but South Africa was, in Archbishop Tutu's words, "soaked in the blood of her children of all races and all political persuasions" (Tutu in SATRC 1998, Vol 1, 1).

The beginnings of truth commissions

A truth commission was supposed, somehow, to make all this better, to improve it in some way or make it go away, to, in Alex Boraine's phrase from the beginning of this chapter, "deal with" it. The phrase 'to deal with the past' is obfuscatory and denies us the insight of which of the myriad elements of the past is to be addressed and in what way. It is found throughout writing about truth commissions specifically and transitional justice generally:

The challenge to both continents is to deal with past abuses of power in ways that do not replicate them. (Rosenberg, 1995b, 136)

There are a number of countries which used purges as a way to deal with their past, e.g. Poland, Germany, Czechoslovakia, Hungary, etc (Williams 1999, 5)

In countries emerging from periods of great political turmoil, particularly turmoil associated with gross violations of human rights, the question of how to deal with the past has been a crucial part of the transformation process. (Sarkin 1999)

Are there appropriate and specific recommendations outlined for reforms and other measures to deal with the past? (Hayner 2000a)

Hence, the ultimate challenge for peacebuilders in each case is to discover or invent ways to deal with the past (Sandole 2002)

Lastly, the report also documents public opinion on South Africa's attempt to deal with the unfinished business of its past (Lombard 2003, 2)

However, more often than not, truth commissions mark the end of efforts to deal with the past, not the beginning. (Brahm 2007, 28)

The use of the term is at least as old as the discipline,⁷⁵ with the earliest mention I noticed in Rosenberg's 1995 article cited above. Rosenberg seems to understand 'dealing with the past' through the prism of the following, a vignette of post-revolution ponderings proposed by a Polish lawyer, Wiktor Osiatynski: "First, what to do with the king. Second, what to do with his courtiers. And third and by far the most difficult, what to do with people's frustrated expectations. And then it occurs to the new leaders – aha! We have a king we haven't guillotined yet!" (Wiktor Osiatynski cited in Rosenberg 1995b). To 'deal with the past' is to manage the guilty without becoming guilty oneself. This correlates with Carin Williams' (1999) understanding of 'dealing with the past', which in her case was achieved by lustration and purges. Jeremy Sarkin (1999), writing about Rwanda, refers to the gacaca courts as ways of 'dealing with the past' and in so doing introduces new elements to what the phrase means because the gacaca courts were not just about the guilty, but about the wronged.⁷⁶ Priscilla Hayner (2000a) writes about the efficacy of truth commissions, arguing that success can be judged on whether they provide recommendations which could effectively reform institutions to prevent repetition. The survey on which Ken Lombard (2003) based his report imagines it can understand whether South Africans are ready to "deal with the past" by analysing their responses to the following statements: "I think those who suffered under Apartheid should be ready to forgive those responsible" (Lombard 2003, 11) "Despite reparations not having been paid, people should be ready to move on" (Ibid); "I think the people who suffered under Apartheid have received enough financial payment or compensation to be able to move on" (Ibid); "I feel that white people should be ready to apologise for what happened to the people under Apartheid" (Ibid); "In the past, whites profited greatly from Apartheid, and more continue to profit today from the legacy of Apartheid" (Ibid).

'Dealing with the past' has now become about reparations, forgiveness, and apology. It has also moved to embrace a new group of people: bystanders. Not only is the past

⁷⁵ Argued in Chapter 1 to have begun with the publication of Kritz's 1995 *Transitional Justice*

⁷⁶ The official website of the gacaca court system lists its aims as:
"1. To reveal the truth about what has happened ... 2. To speed up the genocide trials ... 3. To eradicate the culture of impunity ... 4. To reconcile the Rwandans and reinforce their unity ... 5. To prove that the Rwandan society has the capacity to settle its own problems through a system of justice based on the Rwandan custom" (Inkiko gacaca 2010).

addressed that of gross violations of human rights, what the SATRC called ‘bodily integrity rights’ (SATRC 1998, Vol 1, 68) but also those rights which were violated by apartheid *as a policy*. Recall that the UN branded apartheid a crime against humanity, not the defence of or the attack on apartheid conducted by the government and the anti-apartheid groups, but actual apartheid. Archbishop Tutu having to tell his little girl that she was not ‘quite the same’ as the other children was a crime, the 3.5 million forced removals which were necessitated by the Group Areas Act were crimes, the separate park benches were crimes, the Pass Laws were crimes, the ambulances which would not take dying people to hospital because they were the wrong colour were crimes, the Bantu Education Act was a crime. The victims of these crimes included the entire black, coloured and indian populations of South Africa over more than thirty years. Some of the white population might also be said to have been victims; the self loathing inspired by being ‘white’ in South Africa damaged people.⁷⁷ The beneficiaries were almost certainly all white: apartheid was invented to relieve the problem of ‘poor whites’ and it did so very effectively. While there was still poverty in the white community, most white people lived (and continue to live) in circumstances vastly superior to those experienced by black, coloured and indian South Africans⁷⁸. And while white people could not use black beaches, they probably did not want to. Only rarely must white people have found themselves insufficiently near to a hospital which would take them.⁷⁹ Mahmood Mamdani (1998, 2000) has strongly criticised the failure of the SATRC to conduct ‘dealing with the past’ as imagined by Lombard (2003) and, as will be seen in later chapters, the failure of the SATRC to address the division between races, rather than divisions between pro-apartheid and anti-apartheid violators, and the division between them and their victims, is strongly criticised by SATRC insiders.

The SATRC ‘dealt with’ a past that began after racism in South Africa, and after apartheid had begun. It ended with the coming of democracy and the supposed end of the primary conflict between anti-apartheid and pro apartheid forces. It dealt only with ‘bodily integrity rights’⁸⁰. Audrey Chapman and Patrick Ball (2001) have demonstrated that it often conflates the damage done by all sides, seeming to argue an equivalence in

⁷⁷ See Malan 1990, Krog 1999, Bloom 2009, Marinovitch and Silva 2001

⁷⁸ South Africa’s Gini coefficient was 0.68 in 1996 (Schwabe 2004)

⁷⁹ Although this did happen. See Marinovitch and Silva 2001.

⁸⁰ It did recognise the violation of other rights, although it considered them outwith its mandate, see SATRC 1998, Vol. 1, 64-5

the pain caused and suffered by all sides and colours. Tutu's comment above, that South Africa was 'soaked in the blood of *all...*' masks, they argue, that most victims were black, most perpetrators were black, and most power was wielded by white people.

To 'deal with the past' is an extensive task of considerable proportion. The SATRC did the best it could. The main body of the SATRC's work was concluded in just three years. If the Commission could not 'deal with' the past, it could, as Brahm (2007) implies, begin the myriad of tasks implicit in that phrase. Leo Tolstoy tells us that all unhappy families are unhappy after their own fashion. The rest of this section works to understand how South Africa came to borrow a model from another unhappy family and to try to use this to 'deal with' its past. It demonstrates that South Africa made a unique addition to the truth commission model; its truth commission was, supposedly, in charge of reconciling the nation.

As explained in Chapter 1, truth commissions examine the past in order to live better in the future. This is exactly what Alex Boraine said South Africa needed to do, to 'deal with' the past before moving into its democratic future. When South Africa was considering how best to 'deal with' its past, however, there had only been seventeen truth commissions⁸¹, the literature was small⁸², there were no well funded NGOs waiting to provide expertise on the correct method to make the transition to democracy. In discussing the literature and history of truth commissions, this must be kept in mind; we know what those who created and worked for the first truth commissions did not;⁸³ where today there is a democratising path towards truth commissions during a transition, before the South African truth commission the route to democracy was less a guided walk along a pronounced path and more a cross country trek. Options were ill defined and the dangers and benefits of each under debate.

In the next few pages, I will briefly review truth commissions as a group, beginning with an historical overview of the commissions and their evolution⁸⁴ over time. Within

⁸¹ Two of these had been conducted by the ANC within South African itself (Hayner 1994).

⁸² Hayner's paper and Kritz's volumes were published between the decision to have a truth commission and the policy's implementation.

⁸³ Alex Boraine did some research and went on several fact finding trips (see Chapter 4) and there is some evidence that Kader Asmal, a major force behind the legislation, had seen a draft of Hayner's paper before its publication (see Asmal 1993).

⁸⁴ Evolution is a misleading term here. Many of the early truth commissions did not know of the existence of other truth commissions and thus did not 'evolve' from them. Later bodies, however, most certainly did attempt to evolve from earlier commissions.

this review, reconciliation will be mentioned repeatedly and its absence from key historical commissions proclaimed loudly. Where South Africa's commission has come to be closely associated with reconciliation, earlier commissions either ignored reconciliation or mentioned it only in passing. Rather, these early commissions stressed the search for truth and the potential uses for that truth; they intended to 'deal with' the past by understanding it better, by publicising this understanding and by using this understanding to prevent repetition. This thesis contends that an important lacunae in our understanding of truth commissions is why and how South Africa came to include reconciliation so prominently in its work. Clearly, the first place to look for origins of reconciliation in the South African commission is the earlier Commissions. Such a search reveals very little evidence of efforts towards reconciliation in these early Commissions, which, I argue, indicates that there was very little, if any, emphasis on reconciliation from these Commissions.

The Ugandan 1974 commission is the traditional beginning to a list of around thirty investigative bodies that fit Hayner's definition. This definition was published in 1994 as part of her comparative study of truth commissions, inspired by the surge of interest sparked by El Salvador's UN sponsored truth commission in 1993 (Hayner 1994, 598). Hayner aimed to address the dearth of "defining parameters of truth commissions", explore the "constraints, limitations and challenges common to such official truth-seeking bodies" and determine the "objectives such commissions can realistically be expected to fulfil" (Ibid). Her paper became the genesis of a field of study and provided the springboard from which nearly all later truth commission literature jumps. These are the Commissions she found:

Hayner (1994) truth commissions

| Country | Start | Title |
|--------------|-------|--|
| Uganda | 1974 | Commission of Inquiry into the Disappearance of People in Uganda since the 25th January 1971 |
| Bolivia | 1982 | National Commission of Inquiry into Disappearances |
| Argentina | 1983 | National Commission on the Disappearance of Persons |
| Uruguay | 1985 | Investigative Commission on the Situation of 'Disappeared' People and Its Causes |
| Zimbabwe | 1985 | Commission of Inquiry |
| Uganda | 1986 | Commission of Inquiry into Violations of Human Rights |
| Philippines* | 1986 | Presidential Committee on Human Rights |

| | | |
|--------------------|------|---|
| Chile | 1990 | National Commission on Truth and Reconciliation |
| Chad | 1991 | Commission of Inquiry on the Crimes and Misappropriations Committed by the Ex-President Habré, his Accomplices and/or Accessories |
| South Africa (ANC) | 1992 | Commission of Enquiry Into Complaints by Former African National Congress Prisoners and Detainees |
| Germany | 1992 | Study Commission for the Assessment of History and Consequences of the SED Dictatorship in Germany |
| El Salvador | 1992 | Commission on the Truth for El Salvador |
| Rwanda* | 1993 | International Commission of Investigation on Human Rights Violations in Rwanda Since October 1, 1990 |
| South Africa (ANC) | 1993 | Commission of Enquiry into Certain Allegations of Cruelty and Human Rights Abuse Against ANC Prisoners and Detainees by ANC Members |
| Ethiopia* | 1993 | Office of the Special Prosecutor |

* These three commissions fell outwith the later of Hayner's definitions and tend not be included in the truth commission canon

A false category

Obviously, those truth commissions listed above could not benefit from Hayner's research. Neither could the South African commission. Her paper was finished in mid-1994 and published on the 1st November 1994 (Hayner 1994). While the Commission itself did not begin work until well after Hayner's paper was published, South Africa was at the time progressing well with the planning of the Commission; the draft legislation was published ten days before Hayner's article (Boraine 2000a) and the idea had been current in South Africa since at least 1992 when Aryeh Neier wrote to de Klerk (HRW 1992). The idea had become official ANC policy in 1993 (Asmal 1993) and was 'publicly available' from then; the NP had issued its first anti-truth commission statement on 31 August 1993, the day the ANC announced it would like to hold one (SAPA 1993). A review of ANC press releases from August 1993 demonstrates an increasingly solid commitment to conducting a truth commission.⁸⁵ By the time Hayner's article went to press, South Africa's truth commission had reached a period in its gestation such that its form was considerably defined and it was likely to reach full term. Perhaps if Hayner's article had been published a year earlier, its contents would have had a greater impact on the Commission. As it was, most of those drafting the

⁸⁵ See ANC 1993

PNURB did not have access to her scholarship and her presence was notably absent from the two conferences which helped to shape both the Bill and the Commission⁸⁶.

This historical detail is relevant because while commissions after South Africa's have tended to take it as a key part of their model, they had the opportunity to utilise a range of learning and experience generated both because more truth commissions have occurred and there is a much larger literature available examining them. Truth commissions before and including the South African commission, even where they recognised themselves as similar to other truth commissions, did not have access to the levels of experience and scholarship that commissions after the SATRC enjoyed. This is important in the search for the origins of reconciliation in the truth commission model because those commissions after South Africa's could see the *presence* of reconciliation in that commission, but did not note the *absence* of reconciliation in other commissions.

Hayner did not create the term 'truth commission'. Of the fifteen commissions she found two (Chile and El Salvador) were known, at least occasionally, by that term (Hayner 1994, 599). As a group of disparate, retrospectively grouped investigative commissions only some were aware of other bodies similar to themselves in other countries and self-consciously modelled themselves on these similar bodies. The majority found their model and inspiration in a persuasive logic: there has been a problem; this problem must not be repeated; to prevent something one must understand how it happened; to understand the problem it must be investigated. This is worth stressing because only a very few of the truth commissions mentioned above demonstrate any kind of pattern or development of theory or practice. This is simply explained in that they were unaware of each other's existence. That the pre-Chile truth commissions do not mention reconciliation is not an explicit rejection of the idea that reconciliation and truth seeking went together but because it occurred to none of their designers that reconciliation might belong within the remit of the body.

⁸⁶ Notably, it would appear that while the article was unavailable, Hayner herself provided information to SATRC planners in some form. Kader Asmal's 1994 article in *Mayibuye* includes information that forms part of the original research for Hayner's 1994 article.

Uganda: the first truth commission

As mentioned above, the ‘first truth commission’ was in Uganda in 1974.⁸⁷ The Ugandan commission was not called a truth commission, but rather the ‘Commission of Inquiry into the Disappearance of People in Uganda since the 25th January 1971’. As a brief search in the archives of *The Times* reveals, Commissions of Inquiry were common then as now; contemporaneous Commissions of Inquiry investigated the Six Day War in Israel (Spanier 1974), financial malpractice in Japan (Hazelhurst 1974) and a fire on the Isle of Man (Chartres 1974). We might define these Commissions as bodies to which has been entrusted the task of investigating a given problem and using the information gleaned in the course of that investigation to suggest methods to prevent its repetition. An ultimately rational response to a negative event, particularly one which has finished occurring but has the possibility to recur, they fulfil both the requirements to understand on whom or what blame rests and how to prevent recurrence. The Ugandan Commission of Inquiry was typical in this regard; President Idi Amin, who commissioned the inquiry, stated its function was to “uncover the culprits and advise how best to stop the disappearances” (Reuters 1974, 5). Critically, for our purposes, its mandate did not include reconciliation. But neither did its operations include the kind of victim-focused policies for which truth commissions have become well known, nor did it operate with the high profile associated with most modern truth commissions. This, first, truth commission was an ignoble affair; it has never been considered a success and very little evidence remains to its existence (Peterson 2005). We may grant it significance because it is the first body to meet criteria set out in Hayner’s definition of a truth commission, but must note that it was not celebrated as unusual or even effective at the time.

Argentina: the first precedent

The first truth commission which became a precedent, and can thus be seen in some respects as a ‘parent’ of other truth commissions, is the 1983 Argentinian commission, the National Commission on the Disappearance of Persons (Sarkin 1999, Bronkhurst

⁸⁷ It should be noted that when used in relation to the early members ‘truth commission’ is, to an extent, a false category, one retrospectively superimposed on bodies which fit the set of criteria comprised in the dominant definition. Thus, as Freeman and Hayner point out, while today we refer to them as truth commissions, the early commissions “did not at the time of their operation consider themselves to be truth commissions, nor were they understood to be such by the wider public” (Freeman and Hayner 2005, 125). To call such bodies ‘truth commissions’, while a useful for comparative purposes, remains a linguistic anachronism.

2006, 6; Oputa 2005, Vol 1, 47; Weissbrodt 2005, 4). Of course, more recent truth commissions are able to take the very early truth commissions as precedents because they have now been 'recovered' by the literature deluge that began with Hayner's 1994 publication, but for commissions up to and including South Africa, Argentina seems to be the first commission whose work was consciously copied (Rettig 1993, SATRC 1998). The commission was created by presidential decree in the first week of the new democratic government. The Sabato Commission, as it was known, was intended from its inception to gather information not just for information's sake, but in order to pass it on to the courts, which could then selectively prosecute the relevant persons (Nino 1991, 2622-3).

Hayner's (2002) *Unspeakable Truths* describes the key features of the Sabato Commission. It had ten Commissioners from the human rights community, chosen to be representative of a range of political views, limited powers which left many NGOs disappointed and received little support from the army (Ibid). While there were no public hearings, the commission enjoyed a high profile over its nine month lifespan, receiving 7,000 statements and documenting 8,600 disappearances as well as other human rights abuses, including detention and torture (Ibid). The report, *Nunca Más*, remains one of the best selling books in Argentina's history, from which data have been taken to support later successful prosecutions (Ibid). Various reparation schemes also resulted, including lump sums for torture survivors and the families of the disappeared (Ibid).

The largely successful reparations policy, the best selling and informative report and the quick turnaround of massive amounts of data are not, however, the reasons for which later truth commissions tend to mention the Argentinian commission. The major lessons taken from the Sabato Commission comes from its relationship to prosecutions and amnesty. As stated before, the Sabato Commission was supposed to begin the process of prosecution by creating files on those persons they considered to be most responsible for past abuses of human rights (Hayner 2002). This they did and the files were passed to the relevant authorities, who duly prosecuted nine and returned life sentences for five leaders of the former military juntas (Rosenberg 1995, 148, Hamber 1995). Following these sentences, the courts began the process of attempting to

prosecute culpable middle ranking army officers, a process which ultimately failed (HRW 1992).

It is for this failure that the Argentinian transitional justice tends to be remembered (Huyse 2003, Wilson 2003, Hayner 2002, Simpson 1994, Simpson 1995, Rosenberg 1995, HRW 1992). Simplistically speaking, the military took exception to their brethren being held legally responsible for their actions (Nino 1991). Carlos Nino, who advised Alfonsín on constitutional issues, and upon whom we can place some responsibility for decisions taken on this subject (Orentlicher 1991), offers a more detailed account of the two year period during which the prosecutions failed (Nino 1991). His depiction of the events of the two years following the initial prosecutions speaks of a government hemmed into a decision making framework of the military's making. There is a convincing power to his description; the image he creates resembles little so much as the President and his advisors being stuck in a hall of mirrors, where every turn is a dead end and from which there is no escape. Whether we believe his description or not, the result was Alfonsín ceased the prosecutions of the less senior officers, enacting two laws: the 'Punto Final' in 1986, legislating a final sixty day period for further prosecutions to be brought against members of the military, and, in 1987, as a response to a military barricade of a garrison, the Due Obedience Law which prevented the prosecution of those who had 'just been following orders' (HRW 1992, Nino 1991).

The damage done to Alfonsín's government was considerable. His former colleagues in human rights organisations were horrified at what they viewed as a quasi amnesty (Nino 1991, HRW 1992, Orentlicher 1991). Internationally, what had been viewed as an exemplary treatment of a despotic *ancién regime* became seen as a capitulation in the face of the power of human rights abusers (Nino 1991, Simpson 1995, Orentlicher 1991). In response to Nino's justificatory article, Diane Orentlicher notes that

By retreating from prosecutions already instituted, the governments left the impression that it was too weak to prosecute those it believed were deserving of punishment[it was] a political failure – one of nerve rooted in a perception of the government's own powerlessness (Orentlicher 1991, 2641)

If the Punto Final and Due Obedience laws were insufficient to change opinions on the shrewdness of prosecutions, the next President of Argentina granted pardons to all those who had been jailed during Alfonsín's attempt at justice (HRW 1992).

The message that later decision makers have taken from the Argentine government's insistence that the path it took was the only one open, and the widely held perception that this path led to failure, has been that prosecutions whilst allies of the former regime remain powerful are to be avoided. Graeme Simpson's briefing paper for the SATRC explains this lesson in very clear terms:

the potential lesson from the Argentinian experience seems to be precisely that the initiative to prosecute resulted in the sort of backlash from a still powerful military, which ultimately defeated the objects of the CONADEP [the Spanish initials of the Sabato Commission]. In this process a warning is also sounded about the potential of a discredited or failed punitive process to do more damage than a less ambitious one. Idealistic images of justice must, to some extent, be subjected to the test of harsh political reality - that is, the reality of sustained power relations in society. (Simpson 1995, np)

Simpson's final comment about 'harsh political reality' is the most oft cited reason for lack of trials in similar situations, and Argentina is the case study to which practitioners in particular continue to return. There are other lessons which have been learnt from the Argentinian experience, however. Were Argentina's attempt at transitional justice to have been perceived as a total failure, surely the truth commission would not maintain its popularity. The lesson which Argentina prefers to be seen as teaching is that truth commissions are excellent mechanisms for finding the truth. Thus, the Argentinian delegate to a recent UN Council meeting on transitional justice, Mr Mayoral, argued that

truth commissions have been useful mechanisms that have enabled us to irrefutably and objectively clarify the facts and have created a social awareness about the true scale and social impact of the violent past (Mayoral, cited in UN 2005, 24)

Truth emerged from the Argentinian experience intact. There was, it is argued, a certain power in telling the truth as breaking a conspiracy of lies (Huyse 2003). The Sierra Leonean commission comments approvingly: "its work has made it impossible to claim, for example that the military did not throw half-dead victims in the sea from helicopters" (SL TRC 2004 #1, part 3, 82). The report, especially because it was so accessible and thus so widely read, was considered a success to emulate (Sarkin 1999, Simpson 1995). The commission did not enjoy the powers of later commissions, and its work was thus hampered by a powerful and recalcitrant military (Sarkin 1999). This is another lesson learnt by later commissions; effective operations require strong powers (Simpson 1995).

Michael Ignatieff suggests a further benefit of the Sabato Commission, arguing that “They did succeed in establishing the facts about the disappearance, torture and death of thousands of persons and this allowed the relatives and friends the consolation of knowing how the disappeared had met their fate” (Ignatieff 1996, 111). For him, the truth that came out of the Sabato Commission provided a form of ‘consolation’, the beginnings of comfort, a benefit to the families of victims. The major benefit to victims’ and their families tended to be seen in the more concrete measures facilitated by the Commission. Thus, Argentina has been commended for a reparations policy, which, while it left some victims’ families, notably the Madres de Plaza Mayo,⁸⁸ unsatisfied, did begin to acknowledge the debt the nation owed those who fought for its freedom (Hamber 2003, Hayner 2000a, Hayner 2002) and for enacting a law which enabled those who had been ‘disappeared’ to be declared dead, thus ending a myriad of legal problems for their families (Hayner 2002). These, however, are the limitations of the Argentinian commission’s offerings to victims and their families: truth, reparation, and perhaps some consolation through these two achievements.

The Sabato Commission was not intended to conduct reconciliation. The word is only mentioned twice in its report. Both occasions, taken from a section from the introduction discussing the Commission’s detractors, are cited below:

They accuse us of hindering national reconciliation, of stirring up hatred and resentment, of not allowing the past to be forgotten ... We have not acted out of any feeling of vindictiveness or vengeance. All we are asking for is truth and justice ... in the understanding that there can be no true reconciliation until the guilty repent and we have justice based on truth. If this does not happen, then the transcendent mission which the judicial power fulfils in all civilized communities will prove completely valueless

(CONADEP 1984, prologue)

The section argues that the Sabato Commission is not hindering reconciliation. Reconciliation has become relevant to it because there are those who argue that it may be hindered by the Commission and this is their defence. Reconciliation for the Sabato commission was not a primary goal, it might be furthered by their work, although it would remain incidental to it. Reconciliation here requires justice, which in turn requires truth, which is what the Commission is attempting to obtain. It also requires repentance on the part of the perpetrators, something with which the Commission does not associate itself. Reconciliation might be a hope of individuals, who wish one day to

⁸⁸ The Madres are a group of women whose children were disappeared during the Argentine dirty war.

see it in their own land, but it is tangential to the role of the National Commission on the Disappearance of Persons.

The reasons for the discussion, or rather lack thereof, of reconciliation in the report of the Sabato Commission can be traced back to the circumstances surrounding its creation. If words can be said to be owned, in Argentina 'reconciliation' came to be owned by those who supported the *ancién regime* (UNSC 2004, Hayner 2002, Hamber 2003). The relating of reconciliation to amnesty was partly justified by the suggestion that an amnesty would be 'even handed' in that a limited amnesty was granted to left wing opponents of the old regime alongside the original self amnesty granted by the generals to themselves before they left power (HRW 1992). During the first years of democracy, 'national reconciliation' was promoted by, among others, the Roman Catholic Church, whose support for the previous government was well known, and related to forgetting and forgiving and amnesty, opposing the 'revenge' to be found in the prosecutions and the truth commission itself (Boraine 2006, 11; Hayner 2002). Mayoral states that the Commission was seen as "nothing more than an attempt at revenge and was based solely on ideological prejudice against institutions such as the armed forces. That attitude often served merely to guarantee impunity for crimes under the pretext of a noble idea such as reconciliation" (Mayoral, cited in UNSC 2004, 24). Thus, the aforementioned comments in the Sabato commission report, which in isolation sound rather paranoid, are actually a rebuttal of an accusation that the Commission was damaging to 'national reconciliation'. When 'national reconciliation' has been defined in opposition to a victim centric Commission that aimed to put human rights abusers on trial and enjoyed high profile and widespread popularity it is unsurprising that Patricia Valdez states that "Nobody talks of reconciliation in Argentina, nobody touches it." (Patricia Valdez cited in Hayner 2002, 160). Horacio Verbitsky, an Argentine journalist, speaks of reconciliation in similar terms: "That word makes no sense here. The political discourse of reconciliation is profoundly immoral, because it denies the reality of what people have experienced." (Verbitsky cited in Hayner 2002, 160).

Argentina's commission, noted by Sarkin as "the first truth commission" (Sarkin 1999), which Hayner says helped to "define the field and shape the truth commissions that followed" (Hayner 2000b) was noted as relatively successful in many arenas including

fact finding, reparation granting, and the publicising of a victims' truth, and is known best for the eventual failure of its authors' attempts at traditional punitive justice. What tends to go unnoted by those who conduct the research for instigators of modern truth commissions is that it was not a reconciliatory body. As has been argued above, it was never intended to be a reconciliatory body; the Commission actively avoided reconciliation because the word 'reconciliation' in Argentina enjoyed a status somewhere between ironic joke and dirty word.

Chile: first reconciliation?

The next important truth commission in the canon is Chile's 'Commission for Truth and Reconciliation'. Tina Rosenberg tells us that Chile's first President after its return to civilian rule, Patricio Aylwin, "took the idea [for a truth commission] from Argentina" (Rosenberg 1995b, 146). José 'Pépé' Zalaquett's 'Foreword to the English Edition' of the Chilean commission's report makes this more explicit. The 'Foreword' is, in essence, a justification of the Commission for a foreign audience, and includes a brief history of the legal requirements for successor regimes (Zalaquett in Rettig 1993). He dismissively notes the Nuremberg and Tokyo war crimes tribunals, implying that they are outdated and, moreover, irrelevant to Chile, because Chile found itself with the prime abuser of human rights as head of the armed forces. Instead he offers Argentina, whose truth commission, he argues, offers a useful precedent (Ibid). The success of the Argentinian effort at transitional justice was its truth commission (Ibid). According to Zalaquett, Argentina's prosecutions provided a further lesson for Chile: "that it should stake out a policy it could sustain" (Ibid); prosecutions were not possible in states where considerable power continued to be held by past abusers and to attempt them was to hand over power to one's opposition. From Zalaquett's point of view, Argentina's truth commission was a viable blueprint; its prosecutions a valid warning. Truth here was to be an alternative to Argentina's failed prosecutions. Truth was seen as an imperative because, as Zalaquett explains in the Foreword to the English edition of the report:

to provide for measures of reparation and prevention, it must be clearly known what it is that ought to be repaired and prevented... society cannot simply black out a chapter of its history, however differently the facts may be interpreted. The void would be filled with lies or with conflicting versions. The unity of a nation depends on a shared identity, which, in turn, depends largely on a shared memory. The truth also brings a measure of social catharsis and helps to prevent the past from reoccurring.... [the truth] does not bring the dead back to life, but it brings them out from silence; for the families of the "disappeared," the truth about their fate would mean, at last, the end to an anguishing, endless search....

(Rettig 1993, 14)

He places the search for the truth in a firmly moral framework: the truth *must* be known because it *ought* to be known. This will achieve various moral ends, including the prevention of a repetition of the crimes, reparation for victims, national unity, social catharsis, a voice for the dead and something resembling closure for the families. Favoursing these moral goods is argued to be just, and thus truth, their vector, can be seen as a mechanism of justice. Justice as prosecutions was seen to be impossible, and almost unjust, because, following the Argentinian experience, prosecutions could lead to the resurgence of the abusers and a consequent loss of truth. Through this route, truth commissions are argued as moral activities, activities which will assist in the moral transformation of a country. Zalaquett's early explanation of truth commissions as vehicles for morality has been expanded upon and argued over in the literature⁸⁹, but generally the overall argument that truth commissions aim to increase moral capital seems to have stuck and become part of the perception of truth commissions⁹⁰. As Johnny de Lange, chair of the parliamentary panel in charge of the SATRC legislation noted, the Chilean commission was seen as "the most successful of the completed commissions" (de Lange 2000, 16); part of that success was to make it morally acceptable not to prosecute perpetrators of gross violations of human rights, but instead to conduct a truth commission.

It was through the work required to make truth a viable alternative to prosecutions that reconciliation came into the Chilean commission. Its Report explains that its purpose was to:

help the nation come to a clear overall understanding of the most serious human rights violations committed in recent years in order to aid in the reconciliation of all Chileans. At that time the president believed that for the sake of the nation's moral conscience the truth had to be brought to light, for only on such a foundation, he said, would it be possible to satisfy the most basic requirements of justice and create the necessary conditions for achieving true national reconciliation. (Rettig 1993, 20)

Truth led to justice, as described above, and then this justice and truth together allowed the necessary conditions for creating reconciliation. Reconciliation was part of the moral purpose of the Commission, once the Commission had given Chile the truth, it could begin to work on 'true national reconciliation'. The Report clearly apporions out

⁸⁹ See for example *Truth vs. Justice: The Morality of Truth Commissions*, an edited collection of essays on the subject (Rotberg and Thompson 2000)

⁹⁰ Amnesty International, for example, while initially sceptical about the benefits of truth commissions (see Amnesty International 1995) now promote well managed truth commissions. Their list of reasons for conducting a truth commission is similar to Zalaquett's (Amnesty International 2009)

the tasks facing the country “If this Commission has had the arduous task of re-establishing the truth, it is now the delicate but fundamental task of all Chileans to utilize that truth for the sake of national reconciliation”(Rettig 1993, 23). It was explicitly not the task of the Commission to create reconciliation. Truth was a precondition, not a mechanism in and of itself. The prominence of reconciliation did not correlate to its importance within the Commission itself; it was one of a number of moral goals for which the truth of the Commission was deemed a necessary condition, just another way of furthering justice.

Aside from introducing reconciliation to the truth commission canon, the Chilean experience had a number of other unique features. It was, as de Lange suggested, considered the most successful of the early truth commissions and the one from which later commissions received considerable advice⁹¹. Its remit was very focused, looking into only those who had died during Augusto Pinochet’s rule and ignoring some twenty to five hundred thousand people who were mistreated without being killed (Hayner 2002, 36). It found 2,980 victims of extrajudicial killing, whose families then received financial reparation from the government (Ibid). This narrow focus allowed it to complete its work quickly, and to provide extensive background research as well as comprehensive recommendations (Ibid). The Chilean Commission exemplifies the early phase of truth commissions in that its main impact was through its product, the Report, rather than its process, the actual commission itself (Ibid). While not widely distributed, it was serialised in a major newspaper, and today that which it uncovered is seen as a true history of the time (Ibid). The government reacted positively to the report, with President Aylwin apologising and asking forgiveness on behalf of the state on national television and reparations and recommendations being implemented (Ibid). Later, the report would be used in efforts to prosecute Pinochet in Spain (Ibid).

The Commission achieved the truth for which it was aiming. It increased the profile of truth commissions as transitional justice mechanisms. It promoted their use as a moral restorative; a sort of moral alternative to trials that are today argued by some to be less just than truth commissions (Tutu 1999).⁹² Chile has not slipped back into military dictatorship and widespread political human rights abuses; it has been considered a

⁹¹ Jose Zalaquett, Commissioner and author of the English introduction of the report, travelled extensively publicising the work of the truth commission after its completion.

⁹² See also the discussion of transitional justice in Chapter I

stable multi-party democracy since Pinochet stepped down in 1989. The families of victims have received compensation and the stories of the dead have been told. Efforts towards reconciliation after the Commission, however, were less obviously successful; while Hayner says that she found Chileans stating they were reconciled, she seems unconvinced of this, arguing that relationships along old political divides continue to be strained and the past seems to be a forbidden topic (Hayner 2002, 159). Overall, the Commission can be seen as a success. It was cited as a precedent by the next two important truth commissions, El Salvador and the South African model. While El Salvador's UN sponsored Commission generated interest at the time⁹³, and is argued by Hayner to be the reason for a surge of interest in the topic in 1994, today it has been largely forgotten in favour of the South African effort.

South Africa survived its history; it has yet to slide into the bloodbath that so many expected⁹⁴. It conducted the highest profile truth commission to date, the first time a truth commission emphasised reconciliation not just in its title, but in its rhetoric. The correlation between countries which seek a peaceful future and countries which seek a 'South African' style 'truth and reconciliation commission' suggests that these countries believe the relationship between peace and commission can be, to some extent, causal. Today, bodies called truth commissions are marshalled into a line to provide some historic provenance and perhaps in so doing authenticity for the truth commission model. Commissions considered successful dominate the literature. Only rarely is it mentioned that Zimbabwe had a truth commission before Mugabe become a global pariah but after he had ordered his first massacre, that Haiti had a truth commission before a return to the abuse of Haitians' human rights, that Sri Lanka's truth commission was sandwiched by its civil war, that Uganda's first truth commission was conducted before Amin's worst excesses or that the earliest killings of Rwanda's 1994 genocide postdate a UN sponsored truth commission-like body.⁹⁵ These commissions do not demonstrate the reconciliatory power of truth commissions. We have seen above that the two most prominent commissions prior to the SATRC did not aim for

⁹³ See, for example, Ensalaco 1994, a piece comparing the commissions of Chile and El Salvador, or Hayner's 1994 article, which refers very positively to the El Salvador commission.

⁹⁴ At least an overtly political bloodbath. Its murder rate was the highest recorded by the UN in 2001, the last time it took part in the UN's annual crime survey (UN 2005). A recent South African survey suggested that one in four South African men have committed rape in the past, and of these nearly half have committed multiple rapes (Smith 2009). One in ten men said that they themselves had been raped (Ibid). South Africa remains a violent country.

⁹⁵ As Hayner's definition now makes it

reconciliation. For Argentina, reconciliation was almost irrelevant at the time of the Sabato Commission; there was little or no point in talking about reconciliation at that point. For Chile, reconciliation was an aspiration, a goal to provide context for the pain of the truth commission. Without the truth revealed by the truth commission, there could be no reconciliation, but having a truth commission was not a sufficient condition for reconciliation. Argentina and Chile did not want their commissions judged on how well they reconciled the country; they talked instead about the publication of official histories, the publicising of formerly private pain and the benefit that an acknowledgement of that pain could bring to victims. The South African commission changed this, bringing reconciliation to the forefront of the model. It is to a brief description of this that we now turn.

The South African Truth and Reconciliation Commission

The TRC “offers a magnificent and hopeful example of a creative attempt to handle the past in a way that furthers societal reconciliation in the present and promotes conflict resolution into the future” (Ramsbotham, Woodhouse and Miall 2005, 240)
Go to South Africa today, and for the price of a few drinks you can listen to loquacious ex-majors tell how they tortured and killed the opponents of apartheid: the TRC forced them to talk, but did not reconcile them with many relatives of their victims (Robertson 2000, 220)

The SATRC was extant between 16th December 1995 and 21st March 2003, although most of its work was completed by 21st March 1998, with the submission of the first five volumes of its Final Report and after which date most of the Commission staff left. It was created by the Promotion of National Unity and Reconciliation Act, no. 34 of 1995, which required that it achieve the following:

(a) establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from 1 March 1960 to the cut-off date, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings; (b) facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act; (c) establishing and making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and by recommending reparation measures in respect of them; (d) compiling a report providing as comprehensive an account as possible of the activities and findings of the Commission contemplated in paragraphs (a), (b) and (c), and which contains recommendations of measures to prevent the future violations of human rights.

(PNURA 1995)

In partial fulfilment of these goals, it received some 22,000 statements detailing human rights violations from victims. Within those statements, the HRVC found

approximately 35,000 abuses affecting 21,071 individuals (SATRC 2003, Vol 6, 570, 575). To these people, it granted 'victim' status and conferred on them the ability to receive any reparation to which the government agreed. It held around 180 days of public victim hearings, as well as sectoral hearings investigating the role played by professions, political parties and the wider social climate within apartheid. It received around 7,000 applications for amnesty. It refused amnesty in over 5,000 cases and granted it in around 1,000 (SATRC 2010).⁹⁶ Its seven volume report is approximately 4,500 pages; when printed on single sided standard A4 paper, the Report weighs around twenty two kilos. The Report includes a series of recommendations, as mandated above, and a suggested policy on financial reparation.

The Commission comprised seventeen Commissioners, some two hundred staff and an unknown number of volunteers. It had four offices, in Cape Town, Johannesburg, East London and Durban. Through these offices, a regional structure to the Commission was created, with work being administered through these offices. Overlaying this structure was the Commission's division into Committees, a decision mandated by the PNURA. The Human Rights Violations Committee (HRVC) oversaw victim findings and hearings. The Recommendation and Rehabilitation Committee (RRC) oversaw the policy on recommendations and reparations, as well as administering claims for Urgent Interim Reparations⁹⁷. The Amnesty Committee (AC), legally a separate entity in terms of the PNURA, administered the amnesty process. Supporting the three committees was a central administrative unit, as well as the Investigations Unit, in charge of corroborating statements received by the Commission and the Research Unit, which focused on writing the Final Report.

This complicated, lengthy process, with all its controversies and commentators is the subject of the rest of this thesis. It was the product of two histories described above; the history of transitional justice mechanisms and the history of South Africa. The next chapter describes how these two histories came to be combined with reconciliation.

⁹⁶ It is almost impossible to gain accurate and meaningful information on how often amnesty was granted/refused, see SATRC 2010. The AC's inability adequately to summarise its work is indicative of the difficulty it had in understanding that it was public body, not a court of law.

⁹⁷ Small sums of money for which victims could claim were they to be subject to severe financial difficulties. Most victims applied.

Chapter 3: Reconciliation

Introduction

Reconciliation is a word with a multiplicity of available meanings. The word has only recently become part of the conflict resolution discourse in a meaningful way, and yet it has been a part of the English language since before Chaucer's time (OED 2008).⁹⁸ With deep roots in French and Latin before that, 'reconciliation' has enjoyed a sufficiently long history to have attracted many meanings. It is also a word with which the public are familiar (Borer 2006); where philosophers can claim ownership over 'epistemological' or biological anthropologists can explain the difference between 'homology' and 'homoplasmy' without fear of contradiction, reconciliation is a word extant outside academic circles and thus its definition is resistant to claims of veracity. 'Reconciliation' attempts both to describe and to differentiate between real world experiences; somewhere out there is reconciliation but to agree upon what the term includes and excludes is currently beyond the ken of the academic literature. Upon whose authority may we say that it means 'peaceful coexistence between groups' rather than 'return to a loving relationship within a marriage'?

In the previous chapter, we saw three very similar conceptualisations of reconciliation, these will be discussed below. They do not express the full range of meanings captured by reconciliation, but rather cluster together within a small corner of the conceptual space available to definitions of reconciliation. This chapter reviews this conceptual space, imagining it as having three axes of variability along which definitions are ranged: the depth of reconciliation; the people at whom reconciliation is aimed; and the prerequisites or constituent parts of reconciliation.

Levels of reconciliation

As Freeman (2005, 9) has commented, the most common distinction made between models of reconciliation focuses on the level of reconciliation, the persons involved or groups involved. The SATRC used this distinction, and thus many truth commissions follow this schema. The Ghanaian commission, for example, was consciously devised to avoid all levels of reconciliation excepting national reconciliation (Ghanaian NRC 2005, Vol 1). This focus on levels of reconciliation is eminently logical for a truth

⁹⁸ The OED records the earliest use of the word reconciliation as "reconsiliacion", used by Chaucer in the context of 'peace and reconciliation' (OED 2008).

commission. Clearly, if a Commission is mandated to do reconciliation it must know on whom reconciliation efforts must focus. Levels extend from the intrapersonal to the national, and I begin the examination at the intrapersonal, working towards the national as larger numbers of people are involved.

Intrapersonal reconciliation

This could also be termed “reconciliation with oneself” (Bronkhurst 2006) or reconciliation to the truth or perhaps reality. At the deep end of this level, it has been noted as being sometimes conflated with psychological healing (Borer 2001, 10). The report of the Sierra Leonean TRC believes that, at this level, reconciliation “is closely related to trauma healing... a process that improves the psychological health of the individual following extensive violent conflict.” (SLTRC 2004 Vol 3b, 438). In this, it echoes the SATRC which describes this level as “coming to terms with painful truth” or “closure” (SATRC 1998 Vol 1, 107). In its relationship to healing, it bears similarities to the ways Volkan and Montville describe reconciliation; they link reconciliation to a deep psychological change within individuals, and thus perhaps include intrapersonal reconciliation within their ideas. At this depth, intrapersonal reconciliation requires two pre-requisites: healing and truth. Without truth, there can be no acceptance thereof, and there is no closure without healing.

At the thinner end of this level, and relating much less strongly to the psychological literature, we find the description promoted by Pankhurst 1998, as discussed by Ramsbotham, Woodhouse and Miall (2005). This is derived from the dictionary definition of reconciliation as acceptance, and is described by them thus: “the sense of acquiescence to what already exists ... it captures the idea of voluntary acceptance of what is as yet an ideal outcome” (Ibid, 231). This sense of reconciliation can be seen as a very negative form of reconciliation. The authors of the Kairos Document, a call to thought and action by a group of South African theologians responding to the oppression of mid 1980s South Africa⁹⁹, argue that to reconcile oneself to the reality of apartheid was morally decrepit:

...it would be totally unchristian to plead for reconciliation and peace before the present injustices have been removed. Any such plea plays into the hands of the oppressor by trying to persuade those of us who are oppressed to accept our oppression and to become reconciled to the intolerable crimes that are committed against us. That is not Christian

⁹⁹ See Chapter 3 for a description of apartheid and its evils

reconciliation, it is sin. It is asking us to become accomplices in our own oppression, to become servants of the devil. No reconciliation is possible in South Africa without justice
(Kairos 1986, Article 3.1)

They describe reconciliation to apartheid's injustices as 'cheap reconciliation', and imply that such reconciliation is not real reconciliation¹⁰⁰. Real reconciliation, for them, has as its prerequisite a form of justice not present during apartheid.

Intrapersonal reconciliation thus ranges from the thick, deep reconciliation of the type exemplified by coming to terms with trauma and typically facilitated in psychological settings, perhaps achieved through therapy, to a thinner, shallower reconciliation where one acknowledges the reality of a situation. Both seem to require the truth, without truth there is nothing to which to reconcile oneself. The former requires healing and the latter is claimed by Kairos' authors to require justice in order to gain their accreditation.

Interpersonal reconciliation

This level of reconciliation involves the creation of positive relations between two people. Mark Freeman describes it as "perhaps the most profound form of reconciliation. Where successful, it can have an emotionally or spiritually healing effect." (Freeman 2005, 8) Interpersonal reconciliation is included in the conceptualisations offered in the previous chapter, where Lederach's focus on relationships is emblematic of this level of reconciliation. It is this level of reconciliation which is perhaps best known outside academic circles and the level at which people are most likely to have experienced reconciliation themselves. In this way it can be seen as the archetype of reconciliation.

This level of reconciliation is commonly conceptualised as a 'thick' reconciliation; it reaches deep into two people's minds and implies significant change therein. As such, it is often seen as having a series of arduous prerequisites. Ken Lombard (2003) argues these include "the milestones of confession, repentance, forgiveness and restoration" (2003, 15). From Lederach's work, we can see reconciliation at this level as also requiring the meeting of "Truth, Mercy, Justice, and Peace" (1997, 29). Jodi Halpern and Harvey Weinstein (2004) argue that interpersonal reconciliation, which they consider the basis of all reconciliation, requires empathy. Empathy, for them, has itself

¹⁰⁰ Miroslav Volf echoes this point "Cheap reconciliation sets 'justice' and 'peace' against each other as alternatives. To pursue cheap reconciliation means to give up on the struggle for freedom, to renounce the pursuit of justice, to put up with oppression". (Volf 2002, 867)

a mechanism: “this ideal of empathy is not achieved in an intense moment of sympathy, but in living together and genuinely attending to another’s perspective over time” (Ibid, 583). Empathy is also seen as key by Alfred and Martije Allan (2000), although in contrast to Halpern and Weinstein, they see apology and forgiveness as promoting empathy and reconciliation.

This idea of understanding the other is also found in Charles Villa Vicencio’s work. He, with Halpern and Weinstein, rejects a requirement for forgiveness, which he believes “demands more than statecraft can deliver” (2006, 59) and also thins reconciliation to what he calls ‘political reconciliation’. This is a getting along with the other, an understanding of who they are and what they have done, and an acknowledgement of this within a framework of peaceful relations. In common with Lederach’s work, it requires peace and truth; without truth, there can be no acceptance thereof and peace is required for such positive relationships. It is not the deep empathy and neighbourly *communitas* to which Halpern and Weinstein aspire, but rather a half way point between that and peaceful co-existence. Peaceful co-existence, the thinnest of all reconciliation models, is not generally mooted at this level of reconciliation. To suggest that we interpret reconciliation as peaceful coexistence at this level contests the idea of reconciliation as relationship; peaceful coexistence requires no relationship, just that parties to it do not hurt each other. It is an absence of the worst relationships, rather than the presence of good relationships.

Interpersonal reconciliation, the creation of a positive relationship between two individuals, has been argued to require, at its thickest point, confession, repentance, forgiveness, restoration, truth, mercy, justice, peace, empathy with or without forgiveness, and empathy with solid day to day contact. At thinner levels, it requires an understanding of the other and their past, and thus an exposition of the truth, but not forgiveness.

Community reconciliation

Where interpersonal reconciliation focuses on the relationship between two individuals, community reconciliation focuses on the relationships at a community level. For the East Timorese truth commission, the ET CAVR,¹⁰¹ this was a central focus of its work,

¹⁰¹ Officially Commission for Reception, Truth and Reconciliation and known for its acronym in Portuguese:

and it conceptualised this level of reconciliation as redefining the relationship between either a victim or a perpetrator and their community (ET CAVR 2006, Part 1, 33), although in practice they tended to focus on community relations with perpetrators. They understood community reconciliation to be “based on the philosophy that community reconciliation could best be achieved through a facilitated, village-based, participatory mechanism. This mechanism combined practices of traditional justice, arbitration, mediation and aspects of both criminal and civil law.” (Ibid, Part 9, 2). Such mechanisms were carried out throughout East Timor, reportedly to great success¹⁰². The practicalities were described by Kay Rala Xanana Gusmão¹⁰³ as follows:

The perpetrators...must recognise their mistake and ask for forgiveness...the communities already told me bring them back. We will live together, we will punish them in our way, we will demand from them: “Oh, you burnt this house, help us and we will rebuild together.”
(Gusmão, cited in ET CAVR 2006, Part 9, 1)

The reparation made was chosen by the offended community and could include community work, like rebuilding burnt houses, or financial recompense made to specific victims or groups (Ibid, 39). The ET CAVR felt the success of community reconciliation was not largely the result of the reparations made, which they said were “significantly less onerous” than expected (Ibid), and whose significance they felt largely in allowing a perpetrator to admit responsibility and the victim to accept the reparation publicly, after which the community no longer needed to reject the perpetrator on behalf of the victim. They focused on the mechanisms’ ability to provide:

A forum for an open exchange of information. This allowed both perpetrators and victims to release emotions that had been bottled up. Although the exchanges could arouse raw emotions, anger and tears, if it was felt that deponents had made a real effort to provide the truth and were genuinely remorseful, victims and community members could accept them in a way that had not been possible before (Ibid, 34)

Here, truth was seen as key to reconciliation, or rather the telling of truth was seen as key. Mediation and facilitation were also argued as important. Also critical was the participation of the community, the victim and the perpetrator; once the community saw that they were beginning to repair their relationship, it was possible for community

¹⁰² Success rates, as defined by the Commission, were over ninety per cent, although the Commission acknowledged its fear that reconciliation, as a process, could take both steps forwards and back in the future (ET CAVR 2006, Part 9, 34).

¹⁰³ The current Prime Minister of Timor Leste.

members to follow the victim into a new relationship with the perpetrator. Reparation was an important facilitator of this mechanism.

The Sierra Leonean TRC also focused on community reconciliation as the reintegration of a perpetrator into his or her community. Tim Kelsall (2005) argues that such reconciliation required not the rather half hearted apologies of perpetrators nor the half truths heard at the hearings, which seemed to antagonise the community and reduce the chances of reconciliation, but rather a community reconciliation ceremony which followed the hearings proper. He saw successful reintegration of the perpetrators as contingent on this ceremony, the key constituents of which, in his view included: prayer, ceremony, and repentance. In terms of community reconciliation, he argues that “The principal function of the first four days was not to elicit the truth, but to psychologically pressure and prepare perpetrators to show remorse and to be symbolically reintegrated into the community” (Ibid, 386). His argument is that the revelation of truth was not key to community reconciliation in the case he witnessed, and drawing on the literature, he argues that perhaps this was true for all of Sierra Leone. This contradicts the model proposed by the ET CAVR, who believed that the frank exchange of views was key to the reconciliation which they achieved.

The SATRC chose not to define what it called ‘reconciliation at a community level’, but it is possible to infer from their diagnosis of the problem that they do not here refer to the reconciliation of one individual perpetrator or victim to her or his community and its constituent members, but rather of one community to another or within a community which has suffered a schism:

The main dimension of the conflict was between the oppressed black population and the former state. However, within and between communities, conflict played itself out in various, often insidious, ways. Internal divisions occurred between the young and the old, men and women, neighbours, as well as between different ethnic and racial groups. All these aspects required attention. (SATRC 1998 Vol 1, 107)¹⁰⁴

In what such reconciliation might consist remains open to question. Where we have a basis in the literature for other levels of reconciliation, we lack a solid literature here. The Commission’s commentary on its successes in this regard is not immediately

¹⁰⁴ It is questionable as to whether the majority of South Africans would consider that the division was between state agents and black people, more likely perhaps that they construed it along pure colour lines.

enlightening¹⁰⁵; but could be interpreted to suggest it conceptualised community reconciliation as interpersonal reconciliation between people that are not victim/perpetrator dyads as well as taking on some aspects of national reconciliation. They cite the following with approval:

I am saying that we have a democratically elected municipality in this town. And that democratically elected municipality has got a task and the task of making sure that we play a major role in the reconciliation of our people in this country

(Sipho Korma cited in SATRC 1998, Vol 5, 522)

I think what we need to do now is to go to the other side and go and convince our brothers and sisters who are living in town and explain to them the importance of the Truth Commission and the importance of us coming together as a nation and the importance of us living together as brothers and sisters in the spirit of reconciliation (Ibid, 522-3)

Community reconciliation, for the SATRC, seems to have been imagined as the opposite of the ostracization orchestrated by groups and suffered by individuals during apartheid, typified by the boycotts of stores owned by those seen as collaborating with apartheid or, at worst, the necklace murders¹⁰⁶ which acted as the South African equivalent of lynchings. Where in the past the community banded together to ostracize individuals, reconciliation meant a community effort to come together with another community. It centred around what Hugo van der Merwe's informants described as "the idea of a partnership between two communities. We are all in the same boat – we simply need to understand each other better and be more respectful of each other's culture" (Hugo van der Merwe, cited in SATRC 1998, 425). Extrapolating from the SATRC's descriptions, the following are argued by its participants to be important to community level reconciliation: living together, leadership and example, good relationships at the personal level between members of groups, sufficient truth to facilitate the understanding of the other, and respect of the other.

Hugo van der Merwe, critiquing the role of the SATRC in promoting community reconciliation, argues that the following achievements of the Commission were requirements for community reconciliation: allowing the victims to tell their story, revealing truth, and the creation of an informal support network for victims through

¹⁰⁵ See SATRC 1998, Vol 5, #9

¹⁰⁶ To necklace someone is to place a tyre filled with petrol around someone and then set fire to it. A punishment for collaborators and traitors, it was famously supported by Winnie Madikizela-Mandela, who promised black South Africa that "Together, hand in hand, with our boxes of matches and our necklaces, we shall liberate this country" (Madikizela-Mandela cited in du Preez Bezdrob 2003, 220). Oddly, the white press was terrified believing her comments were directed at white people, presumably not understanding that this form of death was reserved largely for the close enemy.

networking at the SATRC hearings (van der Merwe 1998). The following mechanisms, he says, were necessary for community reconciliation, but *not* achieved by the SATRC: public participation, meetings between victims and perpetrators, follow up support for victims. These requirements do not correlate entirely with those put forward by the SATRC, by the ET CAVR, nor those suggested by the Sierra Leonean commission. Van der Merwe does not make clear to which model of community reconciliation he refers, although perhaps we can assume that it is the SATRC model of reconciliation between two communities given that he is writing in 1998, before the ET CAVR or SL TRC were created, and his work was cited with approval in the SATRC report. With that assumption in mind, community reconciliation following the SATRC model requires: living together, leadership and example, good relationships at the personal level between members of groups, sufficient truth to facilitate understanding of the other, respect for the other, revelation of truth about an individual's story, storytelling by that individual, public participation, meetings between victims and perpetrators, follow up support for victims, and a support network of other victims.

National reconciliation

'National reconciliation', sometimes called 'political reconciliation', is used often in typologies of reconciliation¹⁰⁷. Its importance is also reflected in the title of the SATRC's founding act, the Promotion of National Unity and Reconciliation Act, and the title of the Ghanaian commission the 'National Reconciliation Commission'. This level of reconciliation aims to affect an entire nation. As such, it can perhaps be seen as the most important level of all.

Hayner talks about national reconciliation as reconciliation between political elites (Hayner 2002). The form of reconciliation to which she seems to be referring is interpersonal reconciliation, and this is certainly useful, not only as an example to the populace, but also because continuing antagonism between political elites does not make for easy government. It could also be seen as similar to community reconciliation as discussed by the SATRC.¹⁰⁸ In discussing community reconciliation, the SATRC

¹⁰⁷ See, for example, Boutros Ghali 1995, Chea 2003, Quinn and Freeman 2003. For criticisms of its inconsistent use, see Mendeloff 2004 or Borer 2001.

¹⁰⁸ Similarly, Megan Shore and Scott Kline (2006) use the term 'national reconciliation' to refer to reconciliation between "the two South Africas", presumably representing those with and those without the vote in apartheid South Africa (Shore and Kline 2006, 322). I am unsure how this differs from the SATRC's conceptualisation of community reconciliation.

Report argues that it would have been for the good of all South Africans if a reconciliatory exchange had publicly taken place between representatives of the Afrikaner and English communities. Martin McGuinness and Ian Paisley, whose apparently reconciled relationship has acted as an example to others are also illustrative of this idea (BBC 2007). Public acts of reconciliation¹⁰⁹ between symbolically important members of political elites have been shown by Peter Brecke and William Long (1999) to improve significantly a state's chances of not returning to violent conflict. In this way, reconciliation between political elites can be seen as key in promoting reconciliation as it relates to peace.

Peace, democracy, a respect for human rights, toleration and other hallmarks of Galtung's positive peace are in strong evidence in models of national reconciliation. Thus the SA Reconciliation Barometer, a survey regularly conducted by the Institute of Justice and Reconciliation (IJR) in South Africa argues that:

National reconciliation is more likely to occur under circumstances where citizens view South Africa's democratic institutions and the values they espouse as legitimate and accountable. Essentially, we contend that the creation of a sense of common nationhood largely hinges on the health of these institutions. (IJR 2006, 2)

The International Centre for Transitional Justice argues strongly for a model of national reconciliation which is very similar to that utilised by the IJR, which it calls civic trust. This will be discussed in more detail later, but it also stresses the idea of reconciliation as a reaction to government policies, behaving in a way which allows the population to trust in it and in democracy to protect them and their rights. This is similar to the way in which the Alejandro Gonzalez, the director of the follow up body of the Chilean TRC defines reconciliation: "respecting the rules of the democratic game ... a civilised dialogue between the government and the opposition ... no sector wants to take over anti-democratically" (Alejandro Gonzalez, cited in Hayner 2002, 159).

There is, however, an alternative view of reconciliation at the national level, which is thicker and more driven by interpersonal relationships. The Sierra Leonean TRC, arguing that its role was to promote national reconciliation (SL TRC 2004, Vol 1, 29), seemed to conceptualise it as an entire nation of individuals all of whom have

¹⁰⁹ Defined as including "direct physical contact or proximity between opponents, usually senior representatives of respective factions; a public ceremony accompanied by substantial publicity or media attention that relays the events to the wider national society; and ritualistic or symbolic behaviour that indicates the parties consider the dispute resolved and that more amicable relations are expected to follow" (Long and Brecke 1999, 6)

experienced interpersonal reconciliation, arguing that it required “victims and perpetrators ... to live side by side in a spirit of tolerance and respect” (Ibid, 85). The SATRC sometimes used this thicker idea of national reconciliation, talking about the power of truth to heal the nation. Brandon Hamber and Richard Wilson cite Archbishop Tutu’s opening address to the SATRC to demonstrate this: “We are meant to be a part of the process of the healing of our nation, of our people, all of us, since every South African has to some extent or other been traumatised. We are a wounded people...We all stand in need of healing” (Tutu cited in Hamber and Wilson, 2002). Where Sierra Leone aspired to all its citizens forming good relationships and thus engaging in interpersonal reconciliation, Tutu seems to aspire to all South Africans being healed and thus engaging in intrapersonal reconciliation.

Reconciliation at this level would seemingly require, depending on one’s understanding of it, either symbolic acts of reconciliation at political elite level, the adequate functioning of adequate institutions to permit the populace to trust the state to look after them, or, for the national interpersonal or intrapersonal reconciliation models, the relevant prerequisites for those models.

Criticising levels of reconciliation

The above discussion of the different levels of reconciliation has demonstrated that they have been conceptualised in overlapping ways. The healing and relationship building elements of intrapersonal and interpersonal reconciliation have been found in national reconciliation, which is sometimes conceptualised in the same way that the SATRC conceptualised community reconciliation. Different terms have been used for the same conceptualisation and the same term has been used for different conceptualisations. It is thus unsurprising that the criticism most frequently levelled at those making these distinctions is, that having laid out the distinction, they then ignore the important differences between the different levels and relationships involved therein. Thus, Joanna Quinn and Mark Freeman (2003) and Tristan Ann Borer (2001), for example, have criticised the SATRC for confusing and conflating the levels to which it addressed itself and failing to address each level in an appropriate manner. The SATRC Final Report (1998, 2003) commonly refers simply to ‘reconciliation’, leaving the reader confused as to which level the SATRC believes itself to be addressing. The Sierra

Leonean TRC is similarly confusing on occasion (SL TRC 2004). This conflation is of practical importance. The SATRC noted the problem:

The experiences of the Commission illustrated the particular difficulty of understanding the meaning of unity and reconciliation at a national level. They also highlighted the potentially dangerous confusion between a religious, indeed Christian, understanding of reconciliation, more typically applied to interpersonal relationships, and the more limited, political notion of reconciliation applicable to a democratic society (SATRC 1998, Vol 1, 108)

The confusion is argued as dangerous because it damages the operationalisation of reconciliation. As the above discussion drew out, each of the levels of reconciliation is argued to have different pre-requisites, thus for a civic trust model of reconciliation at the national level, we require strong institutions, but for reconciliation as healing at the intrapersonal level, we require sustained psychological intervention.

A further criticism has been made by, among others, Ginn Fourie, Antjie Krog and Máire Dugan. They argue we must reflect on the myth hidden in the word reconciliation. It is *reconciliation*, and as Dugan points out, “this implies that the relationship has been a good one at an early time period” (Dugan 2003, np). Krog goes further, and points out that in South Africa, there is frequently “nothing to go back to, no previous state or relationship one would wish to restore” (Krog 1999, 165). This criticism addresses itself to many levels of reconciliation, but most specifically to thicker understandings of community and interpersonal reconciliation. In interpersonal reconciliation, looking at the typical victim-perpetrator dyad, the relationship may only have begun when the violation occurred. In *the Journal of Marital and Family Therapy*, Worthington and Drinkhard (2000, np) confidently posit “Of necessity, if reconciliation is to occur, a break in the relationship happened.” This is of course true for their subject matter, couples in need of relationship counselling, and also everyday use of the term ‘reconciliation’ in Britain. This is not true for many victim-perpetrator dyads¹¹⁰. For some individuals, the only thing that links them, that could be said to be a relationship, is the act of violation; they had not met before and potentially will not meet again. There was no ‘break in the relationship’ because it was in the act of violation that the relationship began.

¹¹⁰ So long as we conceive of the relationship that we are discussing in the traditional way, that is as in the only definition offered by OED: “The state of being related; a condition or character based upon this; kinship. Also spec., an affair; a sexual relationship.” (OED 2008).



'Reconciliation' in Coventry Cathedral

The above is important because such conceptual slippage, between different protagonists, different old relationships and different new relationships does occur¹¹¹. The sculpture in Figure 3.1 was commissioned by Bradford University's Peace Department in 1977. Originally named *Reunion*, its author, Josefin de Vasconcellos, explained her inspiration thus

The sculpture was originally conceived in the aftermath of the War. Europe was in shock, people were stunned. I read in a newspaper about a woman who crossed Europe on foot to find her husband, and I was so moved that I made the sculpture. Then I thought that it wasn't only about the reunion of two people but hopefully a reunion of nations which had been fighting.

(Josefin de Vasconcellos, cited in Bradford University 2004)

The jump from a married couple reunited after conflicting parties forced their separation, to the states of the world coming together again, maybe in institutions such as the United Nations and the European Union, is perhaps not a great one. However, in 1995, the sculpture, and bronze casts thereof, were renamed *Reconciliation* (Clifford 2005). Various casts sit across the world– in Berlin by the old Wall, in Hiroshima's Peace Park, at Coventry Cathedral (pictured) and in Belfast, in front of the Stormont Castle (Ibid). The sculptures are internationally significant symbols of reconciliation and yet more truly the statue can be said to represent the happy ending of a love story. A conceptual leap of significant proportion has taken place. From the repair of a physical (note not psychological) schism in a partnership to the creation of a (psychological) relationship between groups or persons who never met yet who are seen

¹¹¹ Tutu, for example, begins one discussion of reconciliation with the following: "In one way, reconciliation is a very simple idea. It is what a married couple does instinctively after an argument: they talk about what happened, one or both spouses apologize, they recommit their love for each other. They don't have a commission to organize it; they know in their hearts how to reconcile." (Tutu, in Daly and Sarkin 2007, 2)

to maintain membership of (once) conflicting parties. Tutu commented at one of the SATRC's public hearings: "You don't get reconciled with someone you agree [with]. You get reconciled with someone with whom you disagree; otherwise there would be no point in having reconciliation. You do not reconcile with someone whom you have no discordance with" (Tutu cited in SATRC Vol 5, #9, 412). The SATRC aimed to reconcile enemies, not lovers.

The above describes the problem that because reconciliation is an everyday word, and because reconciliation has so many meanings, so many of which have such strong links, we are liable to conflate different sorts of reconciliation, in this case, reconciliation between lovers separated by physical distance, and people with no relationship prior to the point that one person violated the others (or perhaps their relatives) human rights.

We have already seen that different levels of reconciliation require different methodologies and different prerequisites. Intuitively, we can see that reconciliation between lovers and reconciliation between strangers who have strong reason to dislike each other will be very different processes. William Blake's *A Poison Tree* helps us to see this more clearly:

I was angry with my friend
I told my wrath, my wrath did end
I was angry with my foe
I told it not, my wrath did grow

And I water'd it in fears
Night and morning with my tears;
And I sunned it with smiles
And with soft deceitful wiles;

And it grew both day and night
Till it bore an apple bright
And my foe beheld it shine
And he knew that it was mine

And into my garden stole
When the night had veil'd the pole
In the morning glad I see
My foe outstretched beneath the tree

(Blake 2003, 56)

Blake's poem suggests that truth is necessary for reconciliation, and also that reconciliation is necessary for peace, however, he opens up the question of whether the mechanism of reconciliation is the same between enemies and friends. *A Poison Tree* does not make clear whether the protagonist could have reconciled with his enemy were

he to have told his truth, but it opens up possibilities: perhaps it is not possible to reconcile with an enemy through the revelation of truth, or perhaps it is possible, but that the desire not to reveal oneself to one's enemy is so strong that even the prize of reconciliation is insufficient reward. It must ask us to consider that perhaps the mechanism of reconciliation, and consequently reconciliation's prerequisites, are contingent upon reconciliation's protagonists.

We thus need to question the universality of all the mechanisms which rely upon our understanding of reconciliation as relationship building. There are more variables here than simply the number of people one is aiming to reconcile and these all need to be considered with reference to methods of reconciliation. The importance of the previous relationship of the subjects, the future relationship of the subjects, and the damage done to that relationship are obscured by easy comparisons.

Components of reconciliation

In the previous section, it was argued that the following were important prerequisites for reconciliation at one level and thickness or another: symbolic acts of reconciliation at political elite level, the adequate functioning of adequate institutions to ensure a fully functioning democracy, truth revelation, telling of truth/stories, community participation, examples of victim/perpetrator reconciliation, reparation, confession, repentance, forgiveness, restoration, truth, mercy, justice, peace, empathy with or without forgiveness, empathy with solid day to day contact, solid day to day contact without empathy, an understanding of the other and their past not as deeply felt as empathy, and healing through coming to terms with trauma, perhaps achieved through therapy. Where the previous section included these prerequisites for reconciliation but focused on levels of reconciliation, this section focuses instead on the methodology of achieving reconciliation and in so doing, examines what reconciliation comprises, as opposed to at whom it is aimed.

Comprehensive conceptualisations

These conceptualisations of reconciliation imagine it to be the meeting of a number of constituent parts, rather than emphasising the depth of the reconciliation or the persons to be involved. They are maps of reconciliation. Comprehensive definitions are a growing trend, whose advocates include bodies promoting reconciliation, including

‘Reconciliation Australia’¹¹² and the East Timorese truth commission¹¹³. Two explanations of comprehensive models of reconciliation are examined below, both because of their influence on other models and their primacy in the literature generally. The first is the well known model of reconciliation provided by Lederach in *Building Peace: Sustainable Reconciliation in Divided Societies* (1997) and the second that provided by the *IDEA Reconciliation Handbook* (2003, 2005) edited by David Bloomfield.

First, then, is Lederach’s definition. He understands reconciliation as a key element in peacebuilding, which itself is conceptualised as “a comprehensive concept that encompasses, generates and sustains the full array of processes, approaches, and stages needed to transform conflict toward more sustainable, peaceful relationships” (Lederach 1997, 20). As stated previously, and indicated by the prior quote, Lederach places relationships at the centre of reconciliation, and reconciliation at the centre of peacebuilding and provides a logical and theoretically neat explanation of why: “relationship is the basis of both the conflict and its long term solution” (Ibid, 26). Reconciliation is important because, to an extent, good relationships prevent conflict and bad relationships cause conflict.

While Lederach’s work is largely focused on in what reconciliation consists, he also discusses levels of reconciliation¹¹⁴. As discussed in the previous chapter, he provides a pyramid diagram of levels of reconciliation, comprising elite, mid range and grassroots leaderships. However, the levels he illustrates refer only to different ‘leaderships’; it does not seem that his model was intended to be used by the population at large (Ibid, 38-9). Each level of leadership is discussed as needing different sorts of peacebuilding activity; he focuses very strongly on the different experiences of different levels of leadership, and the consequent differences in approach. All these processes aim to

¹¹² Reconciliation Australia is a body tasked with promoting reconciliation between settler and indigenous communities in Australia. It defines reconciliation as: involving “justice, recognition and healing. It’s about helping all Australians move forward with a better understanding of the past and how the past affects the lives of Indigenous people today. Reconciliation involves symbolic recognition of the honoured place of the first Australians, as well as practical measures to address the disadvantage experienced by Indigenous people in health, employment, education and general opportunity”(Reconciliation Australia 2007)

¹¹³ The ET CAVR defined reconciliation as: “a process, which acknowledges past mistakes including regret and forgiveness as a product of a path inherent in the process of achieving justice; ... [it] must be seen as a process where truth must be the outcome”. (ET CAVR Report Part 1, 10)

¹¹⁴ In this, particularly in his focus on the grassroots of conflict, his work is unusual within the conflict resolution literature.

promote reconciliation, which, as discussed earlier, he explains as the place where truth, justice, peace and mercy meet. Reconciliation

promotes an encounter between the open expression of the painful past, on the one hand, and the search for the articulation of a long-term interdependent future, on the other hand ...provides a place for *truth* and *mercy* to meet, where concerns for exposing what has happened and for letting go in favor of renewed relationship are validated and embraced ... recognizes the need to give time and place to both *justice* and *peace*, where redressing the wrong is held together with the envisioning of a common, connected future

(Ibid, my emphasis)

The conceptualisation encapsulates some of the key themes running through the list of prerequisites gleaned from the discussion of levels of reconciliation as well as touching on some of key questions posed by the reconciliation literature. Does reconciliation involve a denial or an advance of justice (Minow 1999, Pankhurst 1999, Rotberg and Thompson 2000, Dyzenhaus 2000)? Does it require peace or does it create peace (Mendeloff 2004)? Does truth promote or stunt reconciliation (Rotberg and Thompson 2000, Tutu 1999, Avruch and Vejarano 2002, Borer 2001, Gibson 2006, Mendeloff 2004)? Must we ask for mercy from victims of gross human rights violations (GHRVs) in the name of reconciliation and if we must, can we aim for reconciliation if so to do places a burden on those who were most hurt by the past (SATRC 1998, Boraine 2000a, HRW 1992, Hamber and Wilson 2002)?¹¹⁵ Lederach's conceptualisation of reconciliation is positioned directly in the middle of all these debates; arguing that reconciliation must comprise these elements. This is a key difficulty with all conceptualisations of reconciliation which are positioned mainly along this axis: their contribution can be ignored by those who refute one or more of their components.

At least partly based on Lederach's conceptualisation of reconciliation, the *IDEA Reconciliation Handbook* (Bloomfield, Barnes, and Huyse 2003) promotes a similar model. Where Lederach conceptualises reconciliation as encounter, a bringing together of key elements in a constructive manner, here the basic definition is of reconciliation as "a process through which a society moves from a divided past to a shared future" (Bloomfield 2003, 12). While there is, as Bloomfield (2005) points out, considerable

¹¹⁵ One victim, due to appear at the SATRC, explained her fears of being forced to forgive and reconcile like this "The Truth Commission is doing a contradiction because I give my statements now in a day or two, my perpetrator will hear about that and he will also come forward to give his statement and he is also going to appear before the Truth Commission publicly and I will be forced to reconcile with him. I will feel concerned and forced to say I accept his apology, whereas deep down in my heart, I am saying something else". (unnamed SATRC victim in Skinner 2000, 105)

consensus surrounding the idea that reconciliation is a process, more traditional definitions of reconciliation have focused on what the process is achieving rather than in what the process consists. The legitimacy gained from the literature's support of the idea for reconciliation as a process is undermined by the peripheral place that process finds in the majority of definitions of reconciliation. The report of the Sierra Leonean TRC, for example, while clearly agreeing that reconciliation is a process, places such emphasis as it does on reconciliation as process in order to demonstrate the necessity of continuing to work for reconciliation in the long term:

The Commission recognizes that reconciliation is a long-term process that must occur at national, community, and individual levels. Being a process, it will take time and will need to continue even beyond the present generation. The Commission places no preconditions on the realisation of reconciliation. Reconciliation is an ongoing process that must be nurtured and promoted. (SL TRC 2004, 15)

This is very different from stressing the importance of the process itself, as stressing that a journey from A to B is long is different from suggesting that the essence of moving from A to B is to be found in the actual travelling involved. The authors of the Handbook, rather than imagining that the reconciliation is the destination, imagine reconciliation as the actual journey itself; it consists in its own stages, rather than the outcome of those stages. The stages are conceived of as first, peaceful coexistence, which, on the reconciliation journey, "evolves towards a relation of trust" (Huyse 2003, 20), (stage two), and finally the conditions provided by peace and trust, may allow (stage three) empathy: "which comes with the victims' willingness to listen to the reasons for the hatred of those who caused their pain and with the offenders understanding of the anger and bitterness of those who suffered" (Ibid, 21). All stages must be "backed by the recognition of the essential codes of democracy" (Ibid).

Included in the process of reconciliation as formulated by the Handbook are four key concepts: truth and justice (with Lederach) and healing and reparation (replacing Lederach's mercy and forgiveness) (Ibid, 24). Where truth has been criticised as not helpful in promoting reconciliation, justice, reparation and healing enjoy broad consensus as key elements at any effort towards reconciliation. However, there are debates over what sorts of justice, reparation, and healing are required. Thus, the International Criminal Tribunal for Rwanda states that one of its key aims is to promote reconciliation through retributory justice (Fletcher and Weinstein 2002, 579) and Payam Akhavan argues that International Criminal Tribunals enhance reconciliation and

peacebuilding through, among other mechanisms, promoting accountability, but Wendy Lambourne (2002) argues that retributory justice can do damage to relationship building, perhaps the central tenet of most definitions of reconciliation. Rita Mani (2002) has, as discussed in Chapter 1, argued strongly that justice has many faces, and that at minimum, legal justice, rectificatory justice and distributive justice all need to be considered.

As regards reparation, over ten years after the SATRC made its recommendations that those found to be victims receive a biannual grant of around R20,000 per annum for six years¹¹⁶. Erik Doxtader and Charles Villa Vicencio (2004) published a collection of essays refuting, disputing, and recommending the potential of reparation to assist in reconciliation. Doxtader (2004) summarises some of the problems in his contribution:

In the discourse produced by and surrounding the TRC there is now something of a presumption that reparation is necessary for reconciliation. However, this claim has more than one meaning. For some, necessity is a marker of temporal or conceptual priority; the conditions for reconciliation only exist after reparation has occurred. For others, the issue is defined by the obligations of duty and its laws... the sacrifice entailed in reconciliation can be justified (just) only as it occurs on a level playing field. Wary that such distinctions mark quibbling, pragmatists offer an attractive third perspective; reconciliation and reparation are best conceived of as counterparts. The difficulty, however, is that this package deal neither escapes nor resolves the question of relation, the problem of how these goods inform, bear on and perhaps unravel each other.

(Doxtader 2004, 118)

Not only is there considerable unhappiness within South Africa regarding what sort of reparation should be made (apology, financial, memorial, symbolic), what form each of these should take (apology by whom? how much money? what kind of memorial? whose symbol?) but at base whether reparation has a contribution to make to reconciliation at all. Doxtader's review concludes that there are more questions than answers in this messy debate.

Healing is less disputed still; but to include healing in the definition allows further disagreements with those who believe that reconciliation should be a thin, shallow process. The IDEA Handbook includes a wide ranging definition of healing: "any strategy, process or activity that improves the psychological health of individuals

¹¹⁶ This varied with number of dependants and where one lived. For comparison, assuming a total grant of R120,000 over the six years, one could, for example, stay in The Mount Nelson, perhaps the best hotel in Cape Town, for seven weeks. An agricultural labourer working a minimum of 27 hours a week earns R7,800 per annum as a legal, minimum wage. A white person working in a bar and having their accommodation and one meal a day provided, working around 40 hours a week, and without the necessary paperwork to work in South Africa legally, earns around R13,000 per annum. A junior civil servant earns around R35,000 per annum.

following extensive violent conflict... restoring a normalised everyday life that can recreate and confirm people's sense of being and belonging" (Hamber 2003, 77). To include healing creates a more complex reconciliation, one that places a heavy burden on those who wish to achieve reconciliation. It also places a burden on those needing to be healed to involve themselves in a national project of healing in order that their country may feel the benefit of the process of reconciliation. Proponents of the thinner models of reconciliation will not countenance such burdens on states or individuals¹¹⁷.

The contribution of truth to reconciliation is so disputed that the chapter on truth in the Handbook is unsure of truth's utility in this regard. The chapter, by Priscilla Hayner and Mark Freeman focuses not on truth but on truth commissions, as the most well known transitional justice mechanism commonly related to truth, and emphasises that these are neither useful in all situations nor necessarily able to promote reconciliation in all situations in which they are useful (Freeman and Hayner 2005). Indeed, Freeman and Hayner seem not to follow the definition of reconciliation promoted by the introductory chapters to Handbook, instead arguing that

while a truth commission may be a useful mechanism in advancing the latter [national level of reconciliation] to the extent that it may help prevent basic points of fact from continuing to be a source of conflict or bitterness among political elites, reconciliation on an individual is much more complex and probably more difficult to achieve by means of a truth commission
(Freeman and Hayner 2005, 122)

That even authors writing for the Handbook are unsure of the efficacy of truth telling (or at least truth commissions, the only mechanism of truth telling examined in detail) as a tool of reconciliation suggests that to include it within the definition is to limit severely the application of that definition.

David Bloomfield (2005), in an article justifying and explaining the Handbook, suggests that its most innovative contribution to the debate is the use of reconciliation as an "umbrella term for the 'overarching process which includes the search for truth, justice, *forgiveness*, healing and so on'" (Bloomfield 2003, 12 cited in Bloomfield 2005, my emphasis). However, later in the 2005 article, he argues that reconciliation and forgiveness can and should be separated and that they are not only different, but that the latter is not necessarily required for the former. Note that forgiveness is not included in the main model, but that it is in Bloomfield's quote above. The problem with

¹¹⁷ See, for example, ICTJ 2006, Bronkhurst 2006, Villa Vicencio 2006

conceptualising reconciliation as an umbrella term is that knowing that something is an umbrella tells one nothing whatsoever about what is covered by its umbrella and allows unexpected and inappropriate terms to shelter there.

Christian models

Religion in general, and Christianity in particular, has a primary role in reconciliation discourse. Perhaps the best known proponent of religious models is Desmond Tutu, who came to prominence as the Archbishop of Cape Town, but religion has also influenced the work of other important scholars and practitioners; from Charles Villa Vicencio, who early in his career was involved in the Kairos Document discussed earlier, to John Paul Lederach, who uses a text provided by the Bible as inspiration for his conceptualisation of reconciliation.

The Christian understanding of reconciliation is said to centre around St. Paul's second letter to the Corinthians (Meiring 2000). The relevant section reads:

...The old things have passed away. Behold, all things have become new. But all things are of God, who reconciled us to himself through Jesus Christ, and gave to us the ministry of reconciliation; namely, that God was in Christ reconciling the world to himself, not reckoning to them their trespasses, and having committed to us the word of reconciliation.

5.17-5.20 2 Corinthians

Piet Meiring explains that within the SATRC this tended to be interpreted as meaning "that only because God had reconciled us to him by sacrificing his Son Jesus Christ on the cross, true and lasting reconciliation between human beings became possible" (Meiring 2000, 129). Note that it also has implications for how we reconcile. Here we find again some of the key elements of the broad based conceptualisations discussed above; the idea of forgiveness and leaving the past in the past. The Ministry of Reconciliation is today more commonly called Confession, the practice of offering truth in order to prepare oneself for forgiveness, absolution and reconciliation to God. This model was clearly important in the SATRC, wherein even the physical layout of the human rights violation hearings was designed to resemble a church, where each hearing began with prayer (Graybill 2002), and whose central offer to perpetrators was that if they came to tell their truth, the legal peer of absolution, amnesty, was available. Lombard notes that this model of reconciliation "speaks about concentric circles of reconciliation, working from the individual to the societal level. Notions of truth and forgiveness are undeniably central" (Lombard 2003).

Christian understandings of reconciliation are not truly a model in themselves. There are real and important differences between the prominence that Meiring places on the founding of reconciliation on God's sacrifice, Lederach's use of Psalm 85, almost as idiom, and Tutu's claim that telling the truth will free perpetrators from their pain. What they share is an immediate availability to those who speak the language of the Christian faith.

Empathetic model

Where most religious models focus on why reconciliation is possible, the empathetic model focuses on how reconciliation is possible. It suggests that reconciliation is the creation of empathy within individuals towards other individuals which allows or promotes the redefinition of their relationships (Halpern and Weinstein 2004). Two of its main proponents, Halpern and Weinstein, explain it thus:

The inability to see former enemies as real people impedes reconciliation. ... To reverse the destruction of social and familial networks that normally sustain health and well-being, a process of rehumanization must occur. We suggest that the promotion of empathy is a critical component of reconciliation (Ibid, 562)

Empathy finds its way into several other models of reconciliation, including that of Lederach (1997) and the IDEA *Reconciliation Handbook* (2004) discussed above. It was also discussed in relation to interpersonal reconciliation. For all of those models, the constituent parts of reconciliation described above are involved in creating empathy which is involved in restoring the relationship (Lederach 1997, Bloomfield, Barnes and Huyse 2003). For Bloomfield, Barnes and Huyse (2003), the creation of empathy is the final stage of reconciliation, and for Lederach (1997) it is fundamental to its achievement.

In a thorough exploration of the empathetic model of reconciliation, Halpern and Weinstein (2004) describe empathy as reversing the dehumanisation of 'other' as a group and an individual, and thus allowing or creating 'real' relationships, it is, they argue "a fundamentally individualizing view of another" (Ibid, 567) involving "imagining and seeking to understand the perspective of another person" (Ibid, 568) which can be promoted by "Finding commonality through identification with a former enemy" (Ibid, 567), investing the other "with qualities that are familiar and accepted" (Ibid).

In their paper, Halpern and Weinstein examine examples of what might be considered to have been empathetic connections between members of conflicting groups and victim-perpetrator dyads. While useful in exploring the differences between empathy and sympathy and the different forms of relationships between individuals, they find only one relationship which they feel comfortable in describing as showing strong empathetic ties between individuals. The achievement of empathy between individuals of opposing sides is, as they describe it, a long and difficult process which requires repeated interactions with and effort by opposing individuals. Halpern and Weinstein make a credible case that reconciliation as relationship creation involves the creation of empathy towards the other, and thus the rehumanisation thereof, and that without it there is no reconciliation and considerably poorer chances for peace.

This model finds correlates in two other significant models particularly prominent in South Africa, ubuntu and race relations. The race relations model has, unfortunately, correlates in many conflicts; it refers to a common conception of reconciliation in South Africa as people of different races getting along better and mixing more (Lombard 2003; 2004). The empathetic model is related to this model because of its focus on rehumanisation; correlating with the requirements of the race relations model that people of different 'races' rehumanise each other and abandon preconceptions and stereotypes relating to a different race. This is exactly the function and requirement of empathy as described above.

As Halpern and Weinstein (2004) point out, the empathetic model is also closely related to the ubuntu model of reconciliation, as promoted by Desmond Tutu. Ubuntu is a word of clouded origin, but is probably from the Nguni group of languages, and is described by Tutu as "the very essence of being human ... 'a person is a person through other people' ... A person with ubuntu is open and available to others" (1999, 34-5). Empathetic connections between individuals and the rehumanisation of the other are critical to this approach. Without such work, the other remains inhuman and cannot be a part of the people in the minds of others. Ubuntu recognises that one "belongs to a greater whole and is diminished when others are tortured or oppressed" (Ibid, 35) but without recognising that another is human, the connectedness is broken. The methodology of the recognition and the creation of the relationship and connection is, according to the empathetic model of reconciliation, an empathetic rehumanisation.

The connection of race relations and ubuntu to the empathetic model raise it beyond addressing only the interpersonal level; the possibility of empathy between opposing groups permits that community reconciliation and national reconciliation are both facilitated by empathy. If one is open to empathising with the other, without the preconceptions which permit us to imagine negative qualities in the other, then we can begin reconciliation at these levels also. However, not everyone is convinced by the possibility of such a transfer up the levels from individual to the national. Allan and Allan argue that, while “reconciliation at an individual level is more likely if there is a process that promotes empathy on the part of both perpetrators and survivors. What is unclear to us at this stage is whether reconciliation at an individual level has an effect on national reconciliation” (Allan and Allan 2000, 464).

Civic trust

The final model of reconciliation examined here is the civic trust model of reconciliation, as promoted by the International Centre for Transitional Justice. This was briefly touched upon above as ‘national reconciliation’ in the discussion of different levels of reconciliation, although for the ICTJ civic trust operates within the citizenry as well as between citizens and their government. It attempts to move away from the focus on individual minds that is entailed by reconciliation’s definition as relationship building or changing and towards a more practical orientation (ICTJ 2006). They define reconciliation as ‘civic trust’; which they describe as follows:

Reconciliation is the condition under which citizens can once again trust one another as citizens. That means that they are sufficiently committed to the norms and values that motivate their ruling institutions; sufficiently confident that those who operate those institutions do so also on this basis; and sufficiently secure about their fellow citizens' commitment to abide by these basic norms and values.

(Ibid)

Citizens operating as reconciled under this model of reconciliation are not only “relying on a person to do or refrain from doing certain things” but share “the expectation of a commitment to shared norms and values” (Ibid). The ICTJ argues strongly that this way of conceptualising reconciliation avoids a number of the pitfalls of common definitions. As would be expected from a practitioner centred body who offer their expertise in transitional justice to countries emerging towards democracy and peace worldwide, this conception is driven by practical concerns. Rather than focusing on internal changes in a person which allow them to trust their government, as, say, intrapersonal reconciliation does, the civic trust conception of reconciliation focuses on

what governments can do to allow or persuade their citizenry to trust them. They wish to prevent the brunt of the responsibility being placed on the shoulders of the citizenry, insisting that reconciliation “occurs in the civic or political sphere” (Ibid) and works top-down, providing the answer to the question “what can be done to make institutions trustworthy and to increase the possibility that citizens will trust them and one another in the aftermath of violence?” (Ibid).

Eminently practical, it forces a shift in emphasis on the who of reconciliation from individuals to governments, attempting to change the structure of a state in the name of reconciliation. It refuses demands such as that made by the Sierra Leonean TRC poster discussed earlier: “Reconcile Now” making no demands on a wounded citizenry. This is perhaps the furthest we have come from the generally accepted idea of reconciliation as building relationships. The civic trust model of reconciliation, with its emphasis on state structures finds a strong echo in another definition, Boutros-Ghali’s 1995 extended definition of peacebuilding:

comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people... these may include ... advancing efforts to protect human rights, reforming or strengthening governmental institutions ...

(Boutros Ghali 1995, cited in Ramsbotham, Woodhouse and Miall 2005, 221)

This clearly has strong parallels with the civic trust model of reconciliation. Peacebuilding, as defined above, aims to promote ‘confidence’, not so very different from the ‘trust’ at which the civic trust model aims. Both peacebuilding and civic trust aim to achieve this through a change in the structures of state. The terminology is different but the general ideas underlining the two seem remarkably similar. On a meta-level, reconciliation can be seen as strongly related to agency and the individual, while peacebuilding focuses on the structural and the action of groups. While peacebuilding is itself a contested term, and while there are obvious links between peacebuilding and reconciliation, to the extent that Lederach’s (1997) book is called *Building Peace: Sustainable Reconciliation in Divided Societies*, reconciliation and peacebuilding are not normally synonymous.

Depth of reconciliation

A frequent criticism of reconciliation is that it is too ‘fluffy’ (Lederach 1997). Its focus on relationships, and its association with the religious models and personal memories of

friendships regained as well as 'soft' concepts like forgiveness, truth and empathy have allowed this suggestion. Proponents of reconciliation have typically responded that it is exactly because reconciliation addresses these softer concepts and models that it can achieve the lasting peace required to prevent recurring civil conflicts. At this point, reconciliation detractors add 'idealistic' to its faults.

This debate occurs within the reconciliation literature as well as outside it. Some definitions, for example, the civic trust model, are self consciously positioned away from the 'soft' concepts and models. Others embrace the softer concepts and aim for a transcendence of prior conflict through a change in relationships. Lederach's (1997) work is illustrative in this regard. I have, following Bloomfield 2005, referred to the 'soft' end of this scale as 'thick' and the harder as 'thin'.

For Bloomfield, the 'thinner' models are typified by 'peaceful coexistence'. It is, as he points out "a less loaded term ... more mundane". Where reconciliation is considered aspirational and inspirational, coexistence is thought to be practical and pragmatic. Daly and Sarkin (2007) suggest that reconciliation:

embodies the possibility of transcending war into peace, trauma into survival, hatred into forgiveness; it is the way humans connect with each other, against all odds. It exemplifies the potential for virtually limitless strength and generosity of spirit that is also immanent in human nature (Daly and Sarkin 2007, 5)

Given the above, it is odd to note that coexistence has both been used as the definition of and diametrically opposed to reconciliation. The *IDEA Reconciliation Handbook* uses peaceful coexistence as the first of the three stages in their complicated definition of reconciliation. Wilson (2001) utilises a conception of reconciliation as "peaceful coexistence and the legal, non-violent adjudication of conflict" (Ibid, n.p.). Gibson (2006) defines reconciliation as "the development of some means by which those who were previously foes (and even co-combatants) can agree to coexist and compete peacefully" (Ibid, 257). As can be seen from the above, there is some variation of the thickness/softness in peaceful co-existence but, as Daan Bronkhurst points out in relation to what he calls 'minimal' definitions of reconciliation: "The point of this definition is that it does not imply a 'higher' moral, religious or societal meaning" (2006, 77).

The moral overtones of some definitions and uses of reconciliation are also problematic. If we posit reconciling as morally good, and place responsibility for reconciliation on, in whole or in part, individuals we place a terrible burden, and potential blame, on those who do not feel able, or quite simply are not able, to reconcile (Hamber and Wilson 2002, Villa Vicencio 2006). This is part of the reason given by the ICTJ for using their civic model of reconciliation, which avoids placing the onus on individuals and instead shifts it towards government (ICTJ 2006); rather than taking the morality out of reconciliation, they have shifted the responsibility. It was also a criticism of the SATRC, where occasionally it was seen to 'force' people to reconcile (Moon 2008, Verdoolages 2008).

Bronkhurst claims that peaceful coexistence is more 'achievable' than 'thicker' definitions of reconciliation. Recall the aspirational words used to describe reconciliation by Daly and Sarkin earlier; reconciliation "embodies the possibility of transcending war into peace" (Ibid, 5). Piet Meiring opposes similar optimistic ideas to the warning given by some in the SATRC: "Don't expect too much. Simply be glad when people stop the killings, when the dust settles in the streets. Declare that to be reconciliation" (Meiring 2000, 78). Bloomfield (2005) compares these conceptions of reconciliation to the idea of negative and positive peace; the former being the absence of violence and the latter the active presence of peace. Thus, the softer/thicker/maximalist definition of reconciliation is akin to the positive peace, and the harder/thinner/minimalist definition embodied by peaceful coexistence is equivalent to negative peace (Ibid). As discussed in Chapter 1, there is a strong argument to be made that positive peace should be our aim. Paul Clark's meeting with Laurent, a Rwandan genocidaire, is perhaps the best explanation of what peaceful coexistence means in practice:

I asked him whether he had met any of the relatives of his victims. "I haven't returned to the district where I committed my crimes," he said. "I have no reason to return to that place. The house where I live with my friends is many miles from there." I heard the same story from most of the released detainees I tracked down: they returned to live with family and friends far from the communities where they committed their crimes, hoping to avoid meeting genocide survivors until they came face-to-face at gacaca. (Clark 2005)

Laurent could be described as embodying the thinnest end of peaceful coexistence, violence is minimal at present, but there is no reason for violence not to erupt in the future; Laurent is hiding from that future. Thicker conceptions of reconciliation aim to

put in place relationships that can withstand the pressures to violence so that people can come out of hiding.

Thick models of reconciliation are aspirational, hard to achieve, understand and measure, and occasionally heavy on the language of psychology. Thin models of reconciliation are realistic, easier to achieve, understand and measure, but involve a refusal to engage in the sort of relationships which can act as prophylactics to conflict. We thus have a series of conceptualisations which aim to be more than peaceful coexistence, but less than the fullest of thick reconciliations. Emblematic of these is that put forward by Charles Villa Vicencio. Villa Vicencio began his career as a theologian, working towards creating the Kairos document¹¹⁸. Mentioned earlier because of Kairos's insistence that reconciliation without justice is 'cheap reconciliation', it promoted a reconciliation of considerable depth, wrought through with an ideal of God's love and aspirations that South Africans could learn truly to love their neighbour like themselves. However, in the years since, Villa Vicencio has come to argue instead for 'political reconciliation'. He posits 'political reconciliation' as the median between thick and thin conceptions of reconciliation:

political reconciliation does not necessarily include forgiveness - that reconciling societies can settle for less than forgiveness. Forgiveness is not a priority for nation building, neither is it a political task of the state. ... [The state can] create a context conducive to reconciliation, enabling people to learn to live together in pursuit of the common good. Political reconciliation is not a mere romantic or utopian ideal. It is a mode of realism - a serious option for living together in the midst of unresolved conflict... the establishment of an ethical relationship as a basis on which former enemies and antagonists can address prevailing problems in a viable and cooperative manner.

(Villa Vicencio 2006, 60)

Discussed earlier in relation to its similarity with empathetic models, it requires rather less than they, and addresses community and national level reconciliation where they address themselves more to interpersonal reconciliation. Its attributes, Villa Vicencio argues, are similar to elements mentioned previously: healing, understanding, time, memory, hopes for the future, acknowledgement of the truth, justice and reparations. Political reconciliation is more than peaceful coexistence, but less than a fully rebuilt loving relationship. It is more than peaceful coexistence because of the idea of a shared future, and a shared vision of the common good. In this way, it highlights that the

¹¹⁸ Kairos, an exceptionally strident document, argued that apartheid, previously seen in the light of the NGK's acceptance, was hateful in the eyes of God. In Britain in 2010, this seems obvious; in 1985 in South Africa it was heresy.

‘thickness’ of models is about the strength or type of future relationships. Just as it was argued earlier that the strength or type of past relationship affects the mechanism of reconciliation, so the relationship for which reconciliation aims affects the mechanism of reconciliation.

Axes of reconciliation

Where in the previous chapter, reconciliation was discussed as focused largely on interpersonal relationships, and intrapersonal healing, with strong therapeutic undertones and the insistence that it be facilitated in small group settings by trained professionals, reconciliation in this chapter has expanded to cover a far greater territory. Villa Vicencio is among many who have noted that “There is no general agreement concerning the nature of reconciliation. Each context makes its own demands of the concept” (Villa Vicencio 2006, 68). To map this lack of general agreement, this chapter imagined many reconciliations existing along three axes which exist in occasional causal relationship: ‘who’, ‘how’ and ‘how much’. The ‘who’ of reconciliation travels from intrapersonal reconciliation, healing with oneself, or being at peace with the world to interpersonal reconciliation, the healing or creation of a relationship, to community reconciliation, which might be the reintegration of an individual to a community or the coalescence of two or more communities into one, to national reconciliation, again contested, either interpersonal reconciliation at the level of political elites or the creation of a national community. Each of these levels of reconciliation had different mechanisms and the potential for different depths of reconciliation. It was not, for example, seen as possible for reconciliation to comprise the creation of a loving relationship between all members of one nation through forgiveness. Already, we had a series of prerequisites and methodologies for reconciliation, all contested. Reviewing the ‘how’ of reconciliation; the mechanism through which reconciliation could be achieved, revealed further arguments; between models, there seems to be little consensus on what might promote reconciliation. Truth, justice, reparation, forgiveness, empathy, healing, and peace all have their detractors and proponents. Generally, reconciliations which focused on stronger future relationships and weaker previous relationships required greater, and deeper, interventions. Reconciliations which focused on a weaker future relationship stressed the importance of democratic institutions and potentiating contact. They bypassed forgiveness and strong notions of empathy and healing because they hypothesised that society could survive without such strong bonds

between its members. The final section, looking at 'how much' reconciliation was expected, confirmed this and compared thick and thin models of reconciliation to Galtung's negative and positive peace, with the attendant suggestion that just as Galtung sees no option but to strive for positive peace because negative peace is insufficient to immunise a society against violence, perhaps the thinnest reconciliations, those that are easiest to achieve with the least theoretical baggage, are insufficient to prevent violence.

Chapter 4: The Origins of Reconciliation

Introduction

This chapter looks to understand the earliest stage of the relationship between the truth commission and reconciliation in South Africa. Based on both interviews and contemporary published accounts, it argues that reconciliation first came to be embedded in the SATRC because of a pre-existing link between reconciliation and amnesty. As I will demonstrate, historically, the word ‘reconciliation’ has been used in South Africa as a sweetener for a distasteful amnesty. When the truth commission became the vehicle for amnesty, it took on ‘reconciliation’ almost unthinkingly, as part of the package. Students of chaos theory tell us that in dynamic systems events have unforeseen consequences. This chapter focuses on the minutiae that lead to reconciliation becoming prominent in the truth commission model. It is, in effect, the search for the butterfly flapping its wings, what I will argue was a ‘non-decision’ whose effects continue to reverberate around the world. My respondents tended to give one of two responses to the question, “How did your truth commission come to be so closely associated with reconciliation?”. The most common was an expression suggesting that this was not, perhaps, the most intelligent question one could ask regarding the Commission. I frequently had to repeat myself, or explain what I meant in different terms; for most of my respondents found this a baffling question. One of the most enduring achievements of the SATRC is inextricably to link truth commissions and reconciliation in the minds of most South Africans, of which my respondents are a sub group. In the words of one, former MP Ray Radue, “truth and reconciliation” went together like “love and marriage” (Radue 2008); why was I querying the relationship between the two? Eventually, the majority of these respondents gave generalised responses. Some discussed the reconciliatory climate of the time, especially with reference to Nelson Mandela’s inspiration of that climate. Others talked about the efforts towards reconciliation or commitment to reconciliation shown by one or both of two major political parties. The necessity of reconciliation was discussed: South Africa had to reconcile because everyone was staying in the country. The alternative could not be countenanced. At the beginning of this chapter, these explanations are reviewed and contextualised. They provide an important backdrop to the inclusion of reconciliation in the SATRC. I argue, however, that they do not explain how or why the SATRC was considered the correct vehicle to take reconciliation to the nation.

These explanations rejected, we turn to the responses of a minority of my interviewees, who provided clearer mechanisms by which reconciliation arrived in the truth commission model. Here, we find two competing suggestions, both of which centre around decisions made by the ANC in 1993 and 1994. One proposes that the truth commission gained its amnesty measures¹¹⁹ and its reconciliation entirely independently. The other suggests that reconciliation arrived in the truth commission because of amnesty. The first of these I do not find convincing, the second I do. As this chapter demonstrates, when the truth commission was initially conceptualised in South Africa there was a pre-existing link between amnesty and reconciliation. Reconciliation can be found as a justification for amnesty in previous Acts granting indemnity. Respondents, all lawyers, proposed that reconciliation gave amnesty a purpose besides personal gain for perpetrators. A key document, an addendum to the Interim Constitution, guarantees amnesty and invokes reconciliation. However, the first explanation has a strong pedigree because it is put forward, in print, by Albie Sachs, a long serving member of the ANC NEC, who made the key decision to have a truth commission, and member of the team that negotiated the addendum mentioned above. He argues that reconciliation is only linked to amnesty in that addendum because the ANC intended to use a truth commission as the vehicle for amnesty, and the use of the word reconciliation was meant to imply this.

Given the calibre of one explanation and the evidence for the other, in the second part of the chapter, we move to an analysis of literature contemporary with the decision. Two sources are examined, the first being the published account of a conference organised by the third sector intended to theorise and promote a truth commission in South Africa. This conference was influential, with many attendees going on to assist in the creation of or work for the truth commission. The conference proceedings largely support the thesis that amnesty and reconciliation were linked, not that truth commissions and reconciliation were linked. Indeed, the focus of the conference was not on reconciliation but on trying to assist the victims of gross violations of human rights during the apartheid era. The conference seems to have found consensus for the idea that victims could be assisted by truth, both truth telling and the acknowledgement of

¹¹⁹ The SATRC included a limited form of personalised amnesty for which perpetrators of gross violations of human rights could apply. It was granted only if the applicant fulfilled certain conditions, including telling the whole truth of the violation. See Puurunen 2000 for a full discussion of the amnesty.

their truth. For the conference, reconciliation was not strongly linked to the truth commission, although it was considered imperative not to damage reconciliation, which was seen as a key social good and argued by some to be under threat from a commission with the power to reveal and publicise unpleasant truths. The second set of sources examined in this section are the published accounts of Kader Asmal, another ANC NEC member and a driving force behind the truth commission in ANC circles. These argue that a truth commission would demonstrate the intrinsic wrongness of apartheid, conclude the ideological battle the ANC had been fighting with the apartheid government and finally prove that the ANC's actions were justified by the moral superiority of their goal. Asmal's publications do not suggest reconciliation as a goal for the truth commission, indeed they only mention it in order to argue that a truth commission would not harm it, returning to the fear present at the conference that a powerful, publicised truth could damage the efficacy of efforts towards reconciliation. The chapter concludes that, given the lack of evidence for Sachs' claim, it is probably incorrect. Amnesty, shown herein to have a pre-existing link to reconciliation, seems to have been its vector into truth commissions. The truth commission got its reconciliation accidentally; it was not a formal decision, but rather a non-decision, a creeping of reconciliation into the debate surrounding the truth commission and even the title of the Commission.

Above all, this chapter demonstrates a lack of evidence for any deliberate decision to include reconciliation in the truth commission model, and in this sense the osmosis proposed by the first paragraphs of the chapter is not as nonsensical as it initially seems; while it is not possible to see this explanation as complete, it does provide the scenery, a sort of camouflage; with reconciliation rhetoric so prevalent in South Africa at the time, it is easy to imagine how reconciliation crept into the truth commission. While its link with amnesty brought it conceptually closer to the truth commission when amnesty was included within the truth commissions remit, its popularity in the discourse allowed its addition to go unnoticed.

The Rainbow Nation and Madiba Magic

When pressed, most respondents first mentioned the political climate at the time the SATRC was operating and the period before its creation but after the release of Nelson

Mandela on the 11th February 1990. They spoke of the violence of the 1980s,¹²⁰ with its accompanying fear, hatred and confusion, all of which inspired negative feelings as regards South Africa's future. One respondent told me "a lot of whites thought there would be a blood bath" (Van Zyl Slabbert 2008) another feared "a bloody civil war with racial overtones" (Bizos 2008). These fears were contrasted with the disbelief, joy, and optimism of the transition and the early 1990s. My respondents talked of the period from FW de Klerk's speech on the 2nd February, when he, in the words of one respondent decided "to jump right over expectations" (Stewart 2008) in his dramatic unbanning of the major political parties and announcement of the release of some political prisoners, through the elections in Autumn 1994 and the first few years of Nelson Mandela's presidency as a sort of golden age.

These early years of democracy were further contrasted with the political climate during my fieldwork. These are described more fully elsewhere,¹²¹ but to recap: South Africa in winter 2008 tended to consider itself relatively unstable. Six months before I arrived the country was swept by waves of xenophobic violence (Weaver 2008); refugees continued to live in government camps (Silverman 2008).¹²² Three months after I left, President Thabo Mbeki would be forced to resign (Duval Smith 2008) and Congress of the People (Cope), a new political party, would be formed (McGreal 2008). Whisperings of both these events were beginning during my stay. While I was there, future President Jacob Zuma was on trial for corruption in Pietermaritzburg (Meikle 2008) and Julius Malema, the head of the ANC Youth League, was hinting that murder was an acceptable method of dealing with political opponents (Duval Smith 2008).

The liminal¹²³ period between the violence of apartheid and the realities of post transition democracy assumed, for my respondents, a very special significance. Like all liminal events, it was, to an extent, magical: it is perhaps for this reason that a number of respondents explained the appearance of reconciliation in the SATRC almost as

¹²⁰ See Chapter 2 for further details

¹²¹ See the Methodology section in the Chapter 1.

¹²² One of the most bizarre elements of my time in South Africa was the lack of discussion this invoked. In Cape Town, refugees rioted when government distributed food was found to be maggot ridden, and did not riot when their camps flooded with several inches of water. All over the country, tens of thousands of internally displaced people lived in tent cities in poor conditions and yet there was very little prominence given to this in people's everyday lives.

¹²³ The concept of liminality was formalised in the works of Arnold Van Gennep and Victor Turner. It encompasses the non-state 'betwixt and between' two officially acknowledged states and includes the essential danger involved in transition, that one might never achieve the intended state. Liminal spaces and times are commonly observed to include reversals and inversions. See Turner 1967.

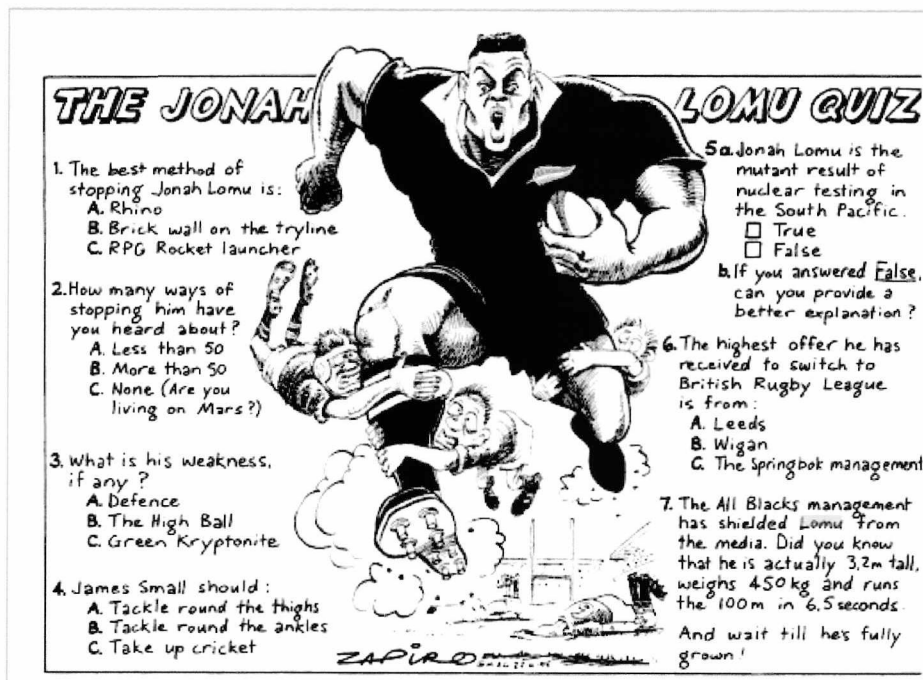
osmosis. Reconciliation was “very much the talk” (Burton 2008¹²⁴), “a theme” (Hofmeyr 2008), or, more academically, “a very popular word in the public discourse” (J. Naidoo 2008) or part of “a change in discourse” (du Toit 2008). These short phrases do not quite impart the dreamlike quality my respondents ascribed to those days; Professor Piet Meiring, a member of the SATRC’s Reparation and Rehabilitation Committee (RRC), perhaps articulated it most neatly: “those were heady days ... for the first year or two, nothing really went wrong” (Meiring 2008). Respondents seemed to be arguing that because reconciliation was so often mentioned, so prominent in discourse, it somehow permeated the air and simply ‘fell’ into the Promotion of National Unity Bill, then the Act, and finally the SATRC itself.

Part of the prominence of reconciliation within South Africa during that period was argued, by the majority of respondents, to be the result of what Vido Nyobole called, citing the common phrasing of the time, “Madiba magic”¹²⁵ (Nyobole 2008). The enduring image for many was Nelson Mandela’s triumphal stance when South Africa won the Rugby World Cup in 1995: “You can’t ignore the impact of Mandela and that rugby shirt of his” (Randera 2008). Faizel Randera is referring generally to Mandela’s reconciliatory attitude towards white South Africa, but specifically to the day that Nelson Mandela watched South Africa win the Rugby World Cup dressed in the jersey and cap of the national side, with the captain’s number on the back. As the cartoon below suggests, New Zealand and its star player, Jonah Lomu, were considered unbeatable.

South Africa was not supposed to win the game, and probably would not have done had half the All Blacks not come down with a fortuitously timed bout of food poisoning (Berlin 2008): it was a magical time and a magical moment, quite literally in the eyes of some South Africans. To crown it was the image of an older Mandela, swamped in the uniform of white, male Afrikanerdom, handing a strong, young and very blond Pienaar the winner’s trophy, an image that remains in the minds of South Africans.

¹²⁴ Where relevant, brief biographical details will be included for interviewees within the text. Occasionally, as in this case, interviewees’ words will only be relevant insofar as they are Commission insiders, and here these details will be omitted. Fuller biographies of all interviewees can be found in Chapter I.

¹²⁵ ‘Madiba’ is Mandela’s clan name, an honorary title used by elder members of Thembu royalty, and used in South Africa to connote love and respect of Mr. Mandela. ‘Madiba Magic’ is a term coined at the 1995 Rugby World Cup used to describe the good luck he supposedly brings in his wake (Sowetan 2010).



(Zapiro 1997, 70)

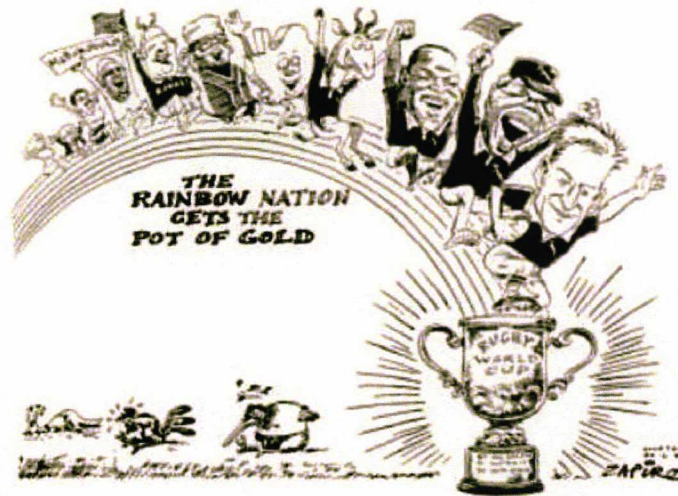
To portray the stereotype, during apartheid, white South Africans would appear at national games and chant racist slogans, black South Africans would go to township shebeens¹²⁶ and cheer for whomever South Africa were playing. In Mandela, black South Africa found a President brave enough to enter the lion's den and white South Africa found a President who loved their game as much as they did. Particularly relevant because of the ongoing controversy regarding retaining the symbol of the national side, the Springbok, in light of its perceived links with apartheid, Mandela's gesture in wearing the jersey, in even entering Ellis Park stadium, was widely seen as the ultimate reconciliatory gesture.¹²⁷ As one British journalist, Chris Rea, commented, the game "sparked a genuine expression of joy and reconciliation" (Rea 1995).

That day, too, was stamped with the mythic, inverted, quality of liminality. Each race has taken on the stereotypical attributes of the other. Here we have an older, physically

¹²⁶ Shebeen rather than licensed public house because the apartheid government had strong views on black people consuming alcohol, first prohibiting it, then countenancing only drunkenness sponsored by the government through beer bought in government owned stores. Shebeens were thus first the only place to consume alcohol while at the same time being black and later the only place to conduct these simultaneously without profiting the apartheid government. See Mathabane 1986 or Schuster 2004 for a discussion of the importance of shebeens in township life.

¹²⁷ These events have been described further in BBC 2005, Beale 1995a, Beale 1995b, Beale 1995c, Carlin 2007, Rea 1995. Since this chapter was first drafted, a film, *Invictus*, (2010) has dramatised these events.

weak, intellectually strong black man in a position of total power, giving a young, intellectually weak, physically strong white man his blessing, his grace and even a prize. Chanting “Viva Mandela!”, the largely white crowd mimicked, presumably unconsciously, a 1980s anti-apartheid rally. Another Zapiro cartoon usefully illustrates what had happened:



(Zapiro 1997, 71)

South Africa had quite literally become a fairy tale, it was a rainbow become solid and it had found the elusive pot of gold at the end of its search for itself.

That mythic, magical day became emblematic of Nelson Mandela’s reconciliatory attitude, the attitude to which my respondents ascribed so much importance in setting the climate of the time. One, at least, consciously recognised it as a carefully orchestrated campaign aimed at total inclusivity and reassuring white South Africa: when Nelson Mandela has tea with Betsy Verwoerd,¹²⁸ surely white South Africa is safe (Hofmeyr 2008). South Africa “needed a good statesman” (Mgojo 2008) to demonstrate reconciliation and to bring reconciliation to the forefront, and they found such a person in Mandela.

Reconciliation was the “watchword of Mandela’s presidency” (Camerer 2008). With a leader who “brought with himself that reconciliation” (Nyobole 2008) and who was the “embodiment of reconciliation” (Ibid) it is understandable that reconciliation would

¹²⁸ Mrs. Verwoerd was the widow of ex-President and architect of apartheid Hedrick Verwoerd. At the time of President Mandela’s visit, she lived in Orania, a small town in the Free State set up to provide a home to Afrikaners seeking to live a life without the presence of black, coloured or Indian people. See De Beer 2006 for discussion of Orania and its inhabitants.

gain such prominence. It is less obvious how it came to be so specifically intertwined with a given bill, and then the SATRC itself. The closest a respondent came to explain the exact mechanisms of how a political climate, inspired by a reconciliatory leader, resulted in reconciliation's inclusion in the Promotion of National Unity and Reconciliation Act was the suggestion that it was a "compliment to this great leader and his work" (Ibid).

Political will, political necessity and political elites

Other respondents pointed out that there was considerable political will behind the idea of reconciliation. There was, said Andre du Toit, "a substantive consensus about reconciliation" (2008), which he linked to compromise, talking and negotiation. He recounted a story about an early set of elections where the parties were mutually suspicious of vote rigging, but conscious that to query the votes of another party would cause a reciprocal question being raised about their own votes resulting in political stalemate and drawing grassroots supporters into violence. The issue was resolved by an unspoken agreement that all parties would ignore their opponent's misdemeanours. His view exemplifies the idea of reconciliation as requirement. Reconciliation here was, quite simply, essential to South Africa's future, to prevent the "bloody civil war with racial overtones" (Bizos 2008) mentioned before. Thus, reconciliation was required "because we had two groups of people staying in the country... nobody was leaving" (J Naidoo 2008) and the answer to the question "how do we get together and save this country" (Van Zyl Slabbert 2008). South Africa was lucky to have two men in FW de Klerk and Nelson Mandela "who understood we have to find a way to peace" (Radue 2008).

A similar explanation was offered by Peter Storey, who served on the committee which recommended the appointment of the SATRC Commissioners. He elided his explanation of the origins of reconciliation in the truth commission model with a commonplace reason for a truth commission. For Storey, reconciliation was a corollary to truth commission, just as forgive is to forget and prosecute to punish. Reconciliation was required because South Africa could neither forget (thus forgiveness was impossible) nor prosecute (rendering punishment impossible). South Africa thus had to find a 'third way', the truth commission, with which came reconciliation. Respondents often launched into an explanation of the 'third way' when asked about the role of

reconciliation, though Peter Storey made the most certain explanation of the links between reconciliation and truth commissions.

The third way model is very popular in literature by Commission insiders¹²⁹ and might be considered the ‘official’ justification for the choice of transitional justice mechanism made by South Africa. However, in the literature there is not the explicit link between the requirement for reconciliation and a truth commission which seems to have been made in the minds of so many of my respondents, and South Africans generally.¹³⁰ For those that do make the link, reconciliation is a solution to the crimes of the past, an alternative and innovative mechanism to ensure that the past did not pollute the future.

Reconciliation in the ANC

Other respondents, maintaining the emphasis of top down reconciliation, talked about the history of political thought within the ANC. Those that gave this explanation were uniformly what are called pejoratively in South Africa “struggle types”: Mary Burton, a human rights activist; Faizel Randera, an ANC doctor; Khoza Mgojo, a close personal friend of Winnie Mandela, and Albie Sachs, an ANC NEC member whose autobiography notes that his first thought in most situations is party loyalty (Sachs 2000a). We must tread carefully here, very few right wing Afrikaners associate the ANC with reconciliation and lovingkindness.¹³¹

Two respondents (Mgojo and Nyobole) referred directly to the Freedom Charter, a document beautiful in both form and content. Published in 1955, it comprised the central doctrines of the ANC, covering everything from equal rights: “The rights of the people shall be the same, regardless of race, colour or sex” (ANC 2010a); to farming and livelihoods: “The state shall help the peasants with implements, seeds, tractors and dams to save the soil and assist the tillers” (Ibid); to intergroup relations: “Peace and friendship amongst all our people shall be secured by upholding the equal rights opportunities and status of all” (Ibid). It does not directly mention reconciliation, though this is hardly surprising: reconciliation discourse was more commonly

¹²⁹ See, for example, Boraine 2000a, Van Zyl 1999 or Tutu 1999.

¹³⁰ Rather there is a perceived disunity between other potential mechanisms and reconciliation. Thus lustration or prosecutions, for example, are considered to be incompatible with reconciliation.

¹³¹ Joe Slovo of the SACP, for example, was once considered “a baby eating communist” (Asmal, Asmal and Roberts 1996; 5). Nelson Mandela was an evil terrorist, the ‘black pimpernel’ (Mandela 1995a). Today, he is the ANC’s ‘one good native’, while the rest of the party is widely felt by the right wing to be a dangerous group of incompetent, corrupt, white haters. See Die Beeld (2010).

associated with matrimony and religion before 1980.¹³² What it does mention, in fact stresses repeatedly, is that “South Africa belongs to all who live in it, black and white” (Ibid). Equality, coexistence and inclusivity flow through the document, as a very simple keyword analysis demonstrates. The top five keywords are:

| | |
|--------------|-------------|
| All | 29 mentions |
| People | 27 mentions |
| Right/rights | 17 mentions |
| Equal | 12 mentions |
| Our | 9 mentions |

These can be rearranged into what is the central message of the document: equal rights (for) all our people. The main point is clearly that those currently without the necessary rights and ownership of South Africa should immediately have these given to them, but the second point is most certainly that, come the day, there will be no denial of rights or removal of ownership of South Africa to the formerly advantaged ‘peoples’. When respondents argued that the ANC had always been about reconciliation, and referenced the Freedom Charter, this is presumably what they meant: there was space for all in the new South Africa; the ANC promised there would be no reciprocal rights violations.

Continuing to reference the responsibility of the ANC in reconciliation’s prominence in the truth commission, other respondents argued that reconciliation could be seen in the documents and acts that led to the transition. Enver Daniels¹³³, suggested that Dullah Omar, a major architect of the SATRC who would go on to become South Africa’s Minister of Justice, had pushed for reconciliation in the negotiations towards its creation and Albie Sachs argued that “the theme of reconciliation ran right through the constitution”, giving credit to the ANC for this. Mary Burton noted a “push within the ANC for the concept of reconciliation” (2008) around the time of the transition, naming both Dullah Omar and Kader Asmal, another person key to the process of creating the SATRC and who enjoyed a ministerial post, as influential in this regard.

¹³² See the Times archive. As Chip Hauss has noted, reconciliation in political discourse gained popularity remarkably quickly during the final decade of the 20th century; “It is not mentioned once in a book I wrote in 1995. In the one I published in 2001, it was the most frequently cited concept.” (Hauss 2003).

¹³³ I interviewed Daniels because he served on the committee debating the SATRC legislation. However, he was also a special advisor to Dullah Omar while Omar was Minister of Justice (SAPA 1996a), as well as a former colleague, Daniels having been employed by Omar in the late seventies and early eighties (Ministry of Justice 2010) in Omar’s law firm.

Reconciliation in the NP

Perhaps unsurprisingly, my three NP respondents all credited FW de Klerk and the NP itself with responsibility for promoting reconciliation. Ray Radue, a former NP MP, noted the generosity of FW de Klerk and the NP in those acts from his 2nd February 1990 speech onwards, and his general reconciliatory attitude. Dave Stewart, de Klerk's longstanding spokesperson and current Executive Director of the FW de Klerk foundation, also noted the efforts de Klerk made towards reconciliation, sending me several speeches he had made on the centrality of reconciliation to the NP project after our interview to underline his point. Sheila Camerer, now a DA MP, having crossed the floor after sixteen years with the NP/NNP,¹³⁴ went further than her former colleagues, arguing that the NP and FW de Klerk were "very keen" to organise initiatives promoting reconciliation, but that the ANC were only "willing" to accept reconciliation, and insisted upon set requirements before agreeing that reconciliation was possible. Notably, two left wing respondents went out of their way to give credit to FW de Klerk and the NP. Jayendra Naidoo (2008), former trade union leader, noted, "Seldom has there been such a generous approach from an outgoing government", suggesting this attitude had furthered the atmosphere of reconciliation. Charles Villa Vicencio, former anti-apartheid activist and Kairos signatory,¹³⁵ commented upon the "remarkable leadership" of FW de Klerk, who, he argued, "had really risked himself" in his attempts to pull South Africa with him towards reconciliation and democracy.

Political Necessity

Many of my respondents found reconciliation's inclusion in the SATRC to be convincingly explained by the presence of a strong political will, coming variously from the ANC, its history of 'equal rights for all our people' and the prominence it gave to reconciliation during the negotiation and within the government of national unity (GNU), or perhaps the generosity of FW de Klerk and the NP in selflessly giving up minority rule and kick-starting the democratic process. We can question both these assertions; the political capital to be earned from being pro-reconciliation and the political capital to be lost from being anti-reconciliation must make us suspicious of

¹³⁴ The National Party (NP) changed its name to the New National Party (NNP) in 1997 when de Klerk pulled it out of the GNU.

¹³⁵ Kairos was a document issued by an interdenominational group of, largely black, clerics which denounced apartheid (Villa Vicencio 2008).

claims regarding any or all parties' retrospective claims to the reconciliation high ground.

As generous as de Klerk's 2nd February 1990 speech was, it must be recalled that South Africa in the late 1980s was a country on the verge of collapse, with the youth of the townships engaged in a war of attrition against almost everyone, including themselves, money leaving the country fast with the charmingly phrased 'white flight' following on its heels, and international condemnation of the regime reaching fever pitch nearly everywhere except the governments of Great Britain and the USA.¹³⁶ Perhaps his embrace of both reconciliation and democracy with an armed, wronged majority might be related to political expediency.

Nor is the ANC immune from a cynical revision of the version of its reconciliatory history given above. To take the Freedom Charter as an example: certainly, there is an emphasis on equality and rights for all in the Freedom Charter, but equally it promises an end to adult illiteracy, and that "no one shall go hungry" (ANC 2010a). People in South Africa do, every day, and adult illiteracy hovers stubbornly at around 15% (CIA 2010). In stark contrast to the AIDS policies of ex-President Mbeki, whose father helped write the Charter, it guarantees "the sick shall be cared for by the state" (ANC 2010a). The profusion of the terrifying armed militias known as private security companies suggest that the police force has yet to achieve the status of "helpers and protectors of the people" (Ibid) that the Charter promises. Admittedly, it is unfair to compare specific and idealised promises made in 1955 with the philosophy embodied by the document wherein they were made. However, it is fair to use it as an example to suggest that promises made and beliefs held are not always kept.

Faizel Randera, a long standing anti-apartheid activist and ANC member, talked to me about the interest in Nelson Mandela's release and the astonishing tone of reconciliation that he set during a televised interview the next day. Prior to this, Randera (2008) believed that "in 1990, while we'd all read the Freedom Charter, I don't know if we'd not have said its time to leave the country for whites". He is not a radical firebrand in

¹³⁶ Both the UK and the USA followed policies of "constructive engagement" with apartheid South Africa, refusing the economic and sporting boycotts followed by much of the world. Margaret Thatcher condemned the ANC as "terrorists", and claimed that anyone who believed the ANC capable of governing South Africa was living in "cloud cuckoo land" (North 1999). The USA eventually passed laws condemning apartheid, with Congress having to overrule President Reagan's veto. The UK engaged with the apartheid government until it was dissolved. See Landsberg 2004.

ANC terms, nor the sort of white-hating struggle type so beloved of old *Die Burger*¹³⁷ cartoons, but a kind, mild mannered and very polite medical doctor; who gave me (his white interviewer) tea and biscuits during our interview, whose secretary is white, and who lived in the UK for nearly twenty years. I find it unlikely that his view is not representative of the gentler quarter of ANC thinking. Another ANC respondent was more blunt, suggesting that the Freedom Charter could have been ignored in favour of enacting the old white fear that they be driven into the sea (Anonymous 2008).

Reconciliation rhetoric was high from all sides in the 1990s, but despite my respondents' discussion of the major parties as an ideologically committed people, determined to bring about a future embodying the spirit of reconciliation, it is important to recall that this is perhaps a glossed truth.

The Legal Origins of the Truth Commission

In the vein of that cynicism, respondents did provide more politically pragmatic explanations for the inclusion of reconciliation in the truth commission. The majority of these explanations relate to amnesty and the majority of those offering them were of the legal profession.

The National Unity and Reconciliation Clause

The official narrative explaining the origins of the truth commission gives a much-debated clause at the very end of the Interim Constitution as the first legal document requiring a truth commission in South Africa¹³⁸. Known as the post-amble, codicil or National Unity and Reconciliation (NUR) clause and titled for the latter, its creation is shrouded in the sort of mystery which belongs more in a second rate work of detective fiction than the official history of a government body of inquiry. Its purpose disputed, its authors debated,¹³⁹ the NUR clause was supposedly crafted very late at night by a skeleton staff of the most important negotiators from the NP and the ANC, without the presence of the other parties (du Toit, 2008). It states, "In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions

¹³⁷ *Die Burger* is the primary Afrikaans language broadsheet in the Cape. While it supported apartheid for many years, today it is proudly edited by a black person.

¹³⁸ See the chapter 'Concepts and Principles' (SATRC 2003, Vol 1, pp 103-134). While the chapter explains that the NUR clause requires amnesty, it does not explain how this requirement for amnesty also predicates a truth commission.

¹³⁹ Potential authors mentioned to me were Joe Slovo, Andre Brink, Albie Sachs and Breyers Bretenbach.

and offences associated with political objectives and committed in the course of the conflicts of the past” (Interim Constitution, 1993). Its major notoriety, to which we shall return later, is that the ANC continue to argue that it allows for amnesty to be contingent, while the NP argue that no such thing was discussed at the time, that they were “ambushed” on amnesty (Camerer 2008) and that were they to have understood it as a contingent amnesty the Interim Constitution would not have been signed (see, for example, Sachs 1999).

Goldstone (2008) agrees with the reasoning behind the post amble as claimed by the major published account of its creation, written by his former colleague on the Constitutional Court bench, Albie Sachs. This account, discussed in much more detail later, states that the NUR clause was Sachs’ idea and that it was included because the ANC was determined that there would be a truth commission. This is another example of the linking of the ideas of reconciliation and truth commission that was discussed earlier. Goldstone is ignoring the fact that the clause does not mention truth commissions. Rather than telling us anything about the origins of reconciliation in the truth commission model, Goldstone’s explanation of the origins of reconciliation within the truth commission model instead suggests either that the link between the two ideas is so strong, even in those who were present at the time, that they confuse one for the other, or that the link between reconciliation and truth commissions began much earlier than the official history suggests.

Enver Daniels, now Chief State Legal Advisor, gave a rather more mundane explanation for the inclusion of the NUR clause. In marvellously blunt style, Daniels argued that when the ANC were negotiating the Interim Constitution, they needed a way to sell what he called the “national democratic revolution” to the NP and “the regime” (Daniels 2008). To achieve this, they included the NUR clause to demonstrate that there was no danger of them “doing a Mugabe”; the white community needed reassurance that they would be allowed, with at least some of their property, to remain in South Africa (Ibid).¹⁴⁰ He went on to talk about the major debate regarding the clause, whether the

¹⁴⁰ Recall that the ANC were, and to an extent remain, the political allies of the South African communist party (Joe Slovo, for example, was both head of MK, the ANC’s armed wing, and the SACP) and have traditionally espoused leftwing policies. The ‘white right’ have traditionally feared such policies perhaps above all others. During the negotiations, and indeed today, there remains a strong suspicion in these quarters that the ANC intends to instigate socialist revolutionary policies. Daniels, at our meeting, was at great pains to explain that the Expropriation Bill on which he was working was not the first stage of this revolution. Two years on, the Bill has yet to be passed.

NP negotiators understood that the amnesty would be inherently limited, concluding that it should have been perfectly clear that to them that amnesty was to be both limited and contingent. This is a new link; Daniels is linking reconciliation with amnesty. In order to reassure right-wingers that there would be no retribution for the abuses they wreaked upon the people, the ANC offered them amnesty and reconciliation.

Amnesty and Reconciliation in History

Linking amnesty and reconciliation has strong precedents in South Africa. The controversial precedent to the SATRC's amnesty provisions, the Further Indemnity Act 1992, was repeatedly justified in terms of reconciliation. FW de Klerk argued, at a dinner for foreign correspondents, that: "The main purpose of the Further Indemnity Act 1992 was to provide the government with an acceptable instrument ... to deal with the release of prisoners yet to be charged ...[and]... the promotion of negotiation and reconciliation" (BBC 1992a). Government spokespersons explained individual pardons under the act as "in the interests of peace and reconciliation" (Ibid) or because "their release could promote reconciliation and peaceful solutions" (BBC 1993a). The second justification echoes the Preamble to the Further Indemnity Act which reads, in part, "it has now become necessary, in order to provide reconciliation and peaceful solutions ... to grant such persons further indemnity" (Further Indemnity Act 1992).

One might have expected non-governmental organisations to protest the linking of reconciliation and amnesty. One can see that given all political parties had members who had committed serious crimes, politicians would not protest the linking of amnesty and reconciliation. One might, however, expect that civil society, particularly a civil society as strong as South Africa has, would protest the link. One would be wrong. Kollapen (1993), protesting the opaque mechanisms of the Further Indemnity Act 1992 on behalf of Lawyers for Human Rights states that "We recognise that the granting of amnesty remains a powerful tool in establishment of an environment and culture for reconciliation" (Kollapen, 1993, 37). Kollapen goes on to argue that the price South Africa is paying in respect of amnesty, and thus reconciliation, is too high in the case of the Further Indemnity Act 1992 because of its secrecy clauses, and that instead South Africa should conduct a Chilean style TRC which would be linked to a parliamentary body empowered to grant amnesty, so long as such amnesty be in "the interests of reconciliation" (Ibid, 37).

Amnesty and Reconciliation

To return, then, to my respondents. As stated at the beginning of this section, a number of them explained the presence of reconciliation in the truth commission in terms of the amnesty provision. Hanif Vally stated, "Reconciliation was rooted in the amnesty provision" (Vally 2008). Willie Hofmeyr argued that reconciliation started with amnesty, that it was included "to make it more palatable" (Hofmeyr 2008). In a similar vein, Russell Ally stated that it was "not surprising that reconciliation became prominent ... because if you're taking away so much, civil liability and criminal liability, it's got to be for something, it can't just be for a narrow political expediency... only so a general doesn't go to jail" (Ally 2008). None of the above, however, explain how the amnesty idea and the truth commission idea came together, rather they are arguments that amnesty and reconciliation are related. This does not require that amnesty and truth commission come together in and of itself.

Andre du Toit provided a thorough, structured explanation of his opinions on the origins of reconciliation in the SATRC with which I am substantially inclined to agree. As mentioned earlier, he believes it began with a discourse change prompted by the actions of early 1990, which created a consensus around the ideas of compromise, reconciliation and talking. He hinted that reconciliation was the obvious counter to the violence that emerged post 1984, and suggestions of witch-hunts and accusations. The idea of a truth commission, he says, evolved out of the work of the Centre for the Study of Violence and Reconciliation (CSVR) and the Institute for a Democratic Alternative for South Africa (IDASA). When Alex Boraine, vice chair of IDASA, took the idea to Dullah Omar, future Minister of Justice, he gave Omar a way out of the "politically impossible idea" (du Toit, 2008) of being not only the first democratically elected Minister of Justice, but the Minister of Justice who was constitutionally required to implement a deeply unpopular amnesty, including the murderers of beloved and high profile activists like Steve Biko, Ruth First, Matthew Goniwe, and Chris Hani. The truth commission idea, argued du Toit, gave Dullah Omar, "a way to implement the idea of amnesty" (Ibid) without diminishing the ANC's precious political capital.

This contrasts with Goldstone's statement mentioned earlier that ANC negotiators knew there would be a truth commission, which was already linked in their minds with reconciliation, to which they agreed in the NUR clause at the end of the Interim

Constitution. It also contrasts with Albie Sachs' published account of the negotiations. He declined to answer questions on his involvement in the constitutional negotiations or comment on his publications when I interviewed him, stating that he had said all he was going to say in his published works. Thus it is to these that we now turn.

Debating truth

Justice Sachs gives his version of the amnesty/truth commission link in two places: the epilogue to his memoir *The Soft Vengeance of Freedom Fighter* (revised edition, 2000) and more extensively in 'Truth and Reconciliation', published in the *Southern Methodist University Law Review* in 1999. The story is given in two stages.

In the first, Sachs describes an ANC NEC meeting in August 1993, during which the ANC response to the Motsunyane Commission was debated. This commission was created as a follow up to the Skweyiya Commission¹⁴¹ and was mandated to investigate abuses in the ANC training camps in Angola. The report of the Motsunyane Commission, which remains unpublished, had recommended, "The ANC follow through with some kind of appropriate action" (Sachs 1999, 1564). During what Sachs describes as a "fiery, passionate, complicated, difficult meeting" (Ibid) various courses of action were proposed. Sachs presents the first opinions voiced, "It is obvious. We set up the Commission, its report says that further action is required, we must follow through" (Ibid) and "we were fighting for justice. Justice had to exist in our ranks. If people in our organisation behaved in an abominable way, we must take full responsibility" (Ibid). There were, he says, other voices explaining the actions of the ANC cadres who abused human rights as an understandable response to the appalling circumstances under which the ANC found themselves in Angola. Sachs recalls Pallo Jordan's sarcastic response "Comrades, today I've learned something very interesting. There is a thing called regime torture which is bad, and there is ANC torture which is good. Thank you for enlightening me" (Ibid).¹⁴²

Sachs goes on to say that someone then raised the question "What would my mother say?". It is not clear from Sachs' account if his explanation of what a mother might say is his interpretation of what the unnamed speaker felt would be the matriarchal advice at

¹⁴¹ The two comprise South Africa's first truth commissions as defined by Hayner 1994. The Skweyiya Commission was asked to investigate complaints of serious abuse by former detainees of the ANC (Hayner 2002, 60).

¹⁴² Jordan was injured in the parcel bomb that killed Ruth First. See Appendix I.

this juncture. Sachs suggests that this stereotype of working class African womanhood would feel that the ANC should examine the governments' human rights abuses, that she might ask "Do you want to show that you are so super pure that you have to examine everything wrong by yourselves, without bringing to book the others who have been doing such things systematically, over decades, to millions" (Ibid). Here, Sachs is putting words in the mouth of this symbol of commonsensical womanhood, and thus claiming a sort of grassroots, instinctive support for the next speaker at the podium, Kader Asmal.

Asmal's suggestion, which Sachs quotes verbatim, was as follows:

What we need in South Africa is a truth commission – one that looks not only at what happened in the camps in Angola but at all the violations of human rights committed by whoever to whomever. It has to be a national responsibility. You can't just leave it to one political organisation to examine itself without proper resources. It will be the responsibility of the new South African government to make this kind of investigation

(Sachs 1999, 1565).

The motion was carried and, having established the truth commission as a firmly ANC initiative, Sachs closes the door on the meeting.

Adding amnesty

Sachs then opens another door to a period five months hence. He was in London, and in Cape Town the Constitutional Committee of the ANC who had believed their work done, in his words "signed, sealed and delivered", were so panicked they had a fax sent to London and then hand delivered to Sachs' hotel room. The panic was caused because, in his words again: "there was a crisis which was threatening our first democratic elections and the whole transition process" (Sachs, 1999, 1566). He explains that FW de Klerk had promised the security forces an amnesty and they were now threatening not to defend the elections unless he kept that promise. Sachs continues:

Now, as I remember it, and others might have different memories, at that moment I felt we couldn't give a blanket amnesty I felt that a blanket amnesty was completely wrong ... So I made the proposal that we should link the amnesty concept to the truth commission concept. In other words, people could get amnesty to the extent that they owned up to what they had done, and told the truth on an individual basis

(Ibid).

He believes it is his combination of amnesty and truth that has led to the popularity of the SATRC worldwide. Perhaps he is right, although probably not for the reasons he imagines; the centrality of reconciliation seems to add considerably to the appeal of

truth commissions, while truth commissions following South Africa's inclusion of amnesty are rare¹⁴³.

When writing the post-amble that secures the amnesty, and apparently references the unborn truth commission, the (disputed) authors included the passage:

The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society...there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation....In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. (Interim Constitution 1993, Chapter 15, NUR clause)

This passage was acceptable to the ANC's distaste towards indemnifying their abusers but vague enough that the NP's negotiators could accidentally fail to understand that amnesty was linked to a truth commission and full disclosure. It was also strong enough that should the NP not understand the contingent nature of amnesty at the time, Sachs could later argue in apparent disbelief at the NP's misunderstanding "the words were there, they were clear" (Sachs, 1999, 1567). The *auteurs inconus* constructed an elegant passage, well suited to its political objectives, but in so doing, inserted reconciliation firmly into the truth commission model. Later truth commissions would largely abandon the limited amnesty that caused the injection of reconciliation into the truth commission model, but maintain the strong emphasis on reconciliation¹⁴⁴.

Amnesty, Truth and Reconciliation: Half Way Conclusions

So far, we have covered two sorts of explanations of the presence of reconciliation in the SATRC. First, the general explanations, those that point to the flavour of the time and provide reasons for this: that Nelson Mandela himself was an inspiration or that he inspired a political and social climate that in turn fed into the Commission, adding reconciliation to it; that Nelson Mandela could only be so reconciliatory because FW de Klerk had the grace to release him and that de Klerk and the NP worked to further reconciliation throughout the transition, again feeding reconciliation into the climate

¹⁴³ Notably, the East Timorese commission included the possibility of recommending (not granting) a limited form of amnesty for more minor crimes (Hayner 2006) and the Liberian commission could recommend amnesty (and prosecution), but otherwise this has not been a popular innovation (Ibid). Given that the inclusion of amnesty seems to have caused the inclusion of reconciliation in the model used by South Africa, it is possible to argue that Sachs' innovation has contributed to the popularity of truth commissions.

¹⁴⁴ As Hayner has noted "the South African amnesty-for-truth model is very unusual and indeed inappropriate and unworkable in most contexts" (Hayner 2006, 296).

and thence the Commission; or that the ANC had always been a party of reconciliation and that the reconciliation in the SATRC was an expression of this. These explanations all suffer from a lack of precision. While we can imagine that when a Parliament headed by the physical embodiment of reconciliation, wherein the two major parties both made a reconciled South Africa a key policy objective, while inhabiting a social and political culture which prizes reconciliation highly came together to write a Bill about almost anything, inevitably reconciliation would end up in the title. It did not. Reconciliation is not found, for example, in the titles of the other institutions the SATRC report says were its companion tools in “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” (SATRC report, Vol 1, p 48): the Land Claims court, the Constitutional Court, the Human Rights Commission, the Gender Commission and the Youth Commission, but the Truth and *Reconciliation* Commission.

My respondents who offered these general explanations have provided a rich background to the inclusion of reconciliation, describing a liminal time with a heady climate of reconciliation and in so doing they have perhaps described a necessary condition for reconciliation’s prominence. Without the strong emphasis placed on reconciliation by all parties, it would almost certainly never have made the jump from the short post-amble at the end of a temporary Interim Constitution to be centre of a globally influential Commission. What they have not done is provide a sufficient condition for reconciliation’s predominance.¹⁴⁵

The second set of explanations was much less general, and focused on that post-amble. Justice Goldstone (2008) argued that the NUR clause guaranteed a truth commission because it mentioned reconciliation. This, while not useful in terms of an origin for reconciliation, does tell us how closely linked the two words are. Goldstone (2008) is reading reconciliation and thinking truth commission. Enver Daniels (2008) made a link between reconciliation and amnesty, arguing reconciliation was included to calm the nerves of a regime fearing punitive action in a democratic South Africa. Other respondents, all lawyers like Daniels, argued in the same vein that reconciliation was included in the SATRC as a result of its amnesty provision, in order, in the words of Willie Hofmeyr “to make it more palatable” (Hofmeyr, 2008). The combination of

¹⁴⁵ ‘Sufficient condition’ here firmly reflecting the distinction commonly made in logic between necessary and sufficient conditions. See Brennan 2008.

reconciliation and amnesty has a history in South Africa, as the Record of Understanding and the Further Indemnity Act 1992 showed. In both documents, amnesty is justified in terms of reconciliation: we must do this terrible thing (amnesty) in order to achieve this important goal (reconciliation). Andre du Toit (2008) took this idea as the basis of his explanation, arguing that when the Minister of Justice was presented with the idea of a truth commission by civil society, it provided a mechanism to implement a politically costly amnesty. Thus, according to du Toit (Ibid), the twin concepts of reconciliation and amnesty from the NUR clause became embedded in the truth commission. In contrast, Justice Sachs (2008) argued that the truth commission was an ANC commitment from August 1993 and that the reconciliation rhetoric in the NUR clause was there as a transparent reference to the ANC's agreement to amnesty on the understanding that it be mediated through the truth commission.

We thus have two distinct models relating truth commissions, amnesty and reconciliation. On one hand is the model offered by my two Constitutional Court Judges: that reconciliation was always related in the minds of the ANC to truth commission, and that amnesty was added to truth disclosure and the truth commission in order to ensure that amnesty was limited. On the other, we have the lawyers, who argued that amnesty and reconciliation are linked, and Professor du Toit, whose structured explanation argues an exact mechanism in the mind of Dullah Omar, who combined amnesty and reconciliation with the truth commission in order to ameliorate the negative political impact of amnesty. These two explanations cannot both be true.

Reconciling Truth Commissions?

Was reconciliation a key part of the model that the ANC envisaged when they promised to conduct a truth commission model? Or was reconciliation a sop for an unpleasant amnesty which the ANC chose to hide further in a truth commission? Given that we have been presented with two mutually incompatible explanations for the same event, we must find a way to choose between the two. The way I have chosen to do this is by looking to evidence left behind from the earliest stages of the creation of the Commission. Firstly in the form of the published proceedings of a 1994 conference organised by Alex Boraine. Boraine, then working at IDASA and eventually Deputy Chairperson of the SATRC, held this, the first of two IDASA sponsored conferences on the same subject, in order to discuss and promote the possibility of a truth commission

in South Africa. Attendees included several names mentioned earlier in this chapter, including Justice Sachs and Professor du Toit, the main proponents of our two explanations. The proceedings of the conference Sachs attended do not point towards a strong link between reconciliation and truth commissions before the creation of the SATRC, and I remain confused as to why he should assert that such a link exists.

Reconciliation at the conference is an unstable term, one whose prerequisites are debated and mechanism contested. Moreover, reconciliation was not the focus of the conference, but rather an addendum, whose inclusion seems to be the result of a desire to refute the suggestion that reconciliation is only possible through an amnesia and/or an amnesty with which the conference is not altogether comfortable. Away from the earnest discussions of the third sector, the ANC seems to have wanted a truth commission not because it would further reconciliation, but because it would allow the publication of the moral truth of the ANC. The publications of Kader Asmal, cited by Sachs earlier and argued by him to be the person who suggested a truth commission to the ANC and then drove through the ANC NEC's decision to follow his suggestion, argue strongly that a truth commission is useful because it will demonstrate the moral superiority of the ANC's position and the moral decrepitude of the apartheid government. These are discussed in detail in the last pages of this chapter, and offer a further refutation of Sachs' argument that the truth commission was 'for' reconciliation. Strangely, the conclusion of this chapter, which began by promising to look for the origins of reconciliation in the truth commission model, is that the truth commission had not truly 'got' its reconciliation before it became a publicly available idea. While it was still at this gestational stage, an idea in the minds of various influential South Africans, it was a 'truth and reconciliation commission' only in name, and only in name because, it turns out, 'truth and reconciliation commission' was considered a name that would be better received by the public.

To return then, to the different models proposed; the reconciling truth commission because a) truth commissions and reconciliation had always been linked or b) truth commissions and reconciliation became linked when amnesty entered the truth commission model because of the pre-existing link between amnesty and reconciliation. Intuitively, the amnesty and reconciliation link is more appealing than the truth commission and reconciliation link. For the former, we have an explanation and a

history. Equally, it fits with our common sense understanding of politicians as devious individuals obsessed with retaining power. The glamour of secrecy surrounds the night the NUR clause was written, as Andre du Toit (2008) noted, “if amnesty was a crucial part of the negotiated settlement, and if the negotiated settlement was supposed to be transparent, why are we not noticing that the negotiated bit of amnesty has been profoundly secret?”. Such secrecy invites conspiracy theories, perhaps, in this case, for the very good reason that there was a conspiracy. We simply are not sure what the conspiracy was: either (a) the ANC deliberately writing a clause so high in reconciliation rhetoric that the NP would be hoodwinked into signing away blanket amnesty; (b) some or all of NP/ANC agreeing that amnesty had to be deniable by all later; or (c) something else altogether. Whichever it was, the opacity surrounding the events does not help the argument put forward by Albie Sachs that the entire event was an aboveboard and entirely logical, transparent explanation of the ANC’s intent to order an amnesty linked to a truth commission, and, crucially for us, that one simply has to understand that truth commissions and reconciliation are linked so intrinsically that one can see one and read the other.

There is, however, some support for Sachs’ claim of such an early and intimate link between truth commissions and reconciliation. First is that the truth commission from which the SATRC took its cue also emphasised reconciliation, simply not to the same extent. The Chilean *Comision Nacional para La Verdad y Reconciliacion* or National Commission on Truth and Reconciliation was mentioned several times as influential by respondents¹⁴⁶. Sachs noted “the influence of the Chilean Commission, and Pepe Zalaquett, who played a very key role in the TRC in Chile” on their own commission. Goldstone concurs, stressing Zalaquett’s part as crucial. Jose Zalaquett¹⁴⁷, who was a driving force in the Chilean commission and who worked in the field of human rights before his role there, visited South Africa twice in 1994 to attend the two IDASA conferences, bringing ex President Aylwin with him on his second trip. Both Sachs and Goldstone attended the first conference, during which Goldstone remembers Zalaquett arguing forcefully that the truth commission had been very important in Chile, and that its work was “essential for reconciliation” (Goldstone 2008); while this is after the Interim Constitution was signed, it provides support for a contemporary link between

¹⁴⁶ This is discussed in Chapter 2

¹⁴⁷ Pepe Zalaquett is known professionally as Jose Zalaquett.

the two ideas and thus offers a partial explanation for the presence of reconciliation in the truth commission model. Despite Zalaquett's conviction, as demonstrated in Chapter 2, the Chilean commission did not emphasise reconciliation in its work. While it did propose that its work of finding truth was an essential precondition for reconciliation, it did not consider reconciliation part of its work.

Zalaquett's speech was published as part of the conference proceedings in *Dealing with the Past*. Zalaquett was one of three keynote speakers¹⁴⁸, all speaking on why South Africa should deal with the past, and the only one to reference reconciliation as a contributory answer. His primary reason in recommending dealing with the past is to resuscitate South Africa's morality: "from an ethical standpoint, the purpose of dealing systematically with the legacy of atrocity is moral reconstruction" (Zalaquett 1996, 9). For him, reconciliation and forgiveness are morally superior to punishment and he argues, "Without truth and acknowledgement, reconciliation is not possible" (Ibid, 13). He evidences what he perceives as a commonality between the global faiths "The common factors of all major religious traditions are that a wrong doing is known, that it is acknowledged, that there is atonement and the perpetrator resolves not to do it again, and that reparations are made" (Ibid, 11). He furthers this individual reconciliation to a society, arguing that without a publicised truth there can be no reconciliation "a society cannot reconcile itself on the grounds of a divided memory" (Ibid, 13). Truth and reconciliation are, for Zalaquett, intimately linked, and his argument that reconciliation requires truth to be known is forcefully made. In another paper, delivered later in the same conference, he makes a strong argument that Chile's successful truth commission, rather than Argentina's failed prosecutions, was the best example for South Africa's search for truth. Adding the two papers together creates a persuasive argument that South Africa should conduct a truth commission in order to create the possibility of reconciliation and restore the moral order of its society.

Dealing with the past

Listening to Zalaquett at the conference were a group of people a list of whose names, says Alex Boraine, the organiser of this conference, "reads almost like a Who's Who of human rights and transitional justice" (Boraine, 2000, 16) and included several of my interviewees: Mary Burton, Albie Sachs, Peter Storey, Richard Goldstone, Andre du

¹⁴⁸ The others were Aryeh Neier of the OSI, Alex Boraine's 'mentor' in transitional justice (Boraine, 2000) and Adam Michnik of Poland's solidarity movement (Boraine, Levy and Scheffer 1996)

Toit and Frederick Van Zyl Slabbert and still more whom I attempted to interview: Alex Boraine himself and Dumisa Ntsebeza, both future SATRC Commissioners, Kader Asmal, who first publicly mentioned the idea of truth commission in a South African context, and Antjie Krog, poet and truth commission correspondent, and author of *Country of My Skull*¹⁴⁹. Noticeably absent were Dullah Omar, future Minister of Justice, and the right wing, who, if they could be said to be represented at all, would have to trace familial ties through the closely-knit Afrikaner bloodlines.

Helping victims/third sector concerns

The conference was extremely influential. All those interviewees who attended it credited it, to a greater or lesser extent, with responsibility for the genesis of the Commission. Particularly remembered was its stress on the victims of apartheid, and the benefit that a truth commission would bring them. Aryeh Neier began his opening address to the conference by arguing that the first reason for examining the truth was that “as a civilised society, we must recognise the worth and dignity of those victimised by abuses of the past. If we fail to confront what happened to them, in a sense we argue that those people do not matter, that only the future is of importance” (Neier 1996, 3). In a panel called ‘Personal Accounts’, four of those victims, Nomonde Calata, Albie Sachs, Michael Lapsley, and Paizoah Gcina told their stories. Richard Goldstone remembers Calata¹⁵⁰, who lost her husband Fort in 1985, breaking down during her telling, and Albie Sachs reaching across to comfort her with the stump of his arm, the remainder of which had been blown off by a bomb planted by security forces, as particularly affecting (Goldstone, 2008). Next morning at breakfast, Goldstone asked Calata how she was doing, she replied, “Last night is the first night I have slept through. It made such a difference, important people being interested in my story” (Ibid). For Goldstone, to help in the hearing, and to see victims helping each other was a powerful experience; this was the moment he became convinced of the necessity of a truth commission.

¹⁴⁹ Her semi fictionalised memoir of the Commission. See Krog 1999.

¹⁵⁰ Calata was and remains an activist in her own right; she was at one point jailed for wearing a Free Mandela t-shirt. Fort died as part of the Craddock Four, who were killed by apartheid security forces while on their way to a UDF rally in Port Elizabeth. She was pregnant with their third child at the time. Today she speaks on her loss of Fort, bringing up her children alone, her activism, and her experiences of the SATRC. (Calata 2008)

In a panel entitled 'Acknowledgement, Truth and Justice', Jose Zalaquett speaking on Chile, Roberto Canas on El Salvador, and Juan Mendez on Argentina, all stressed the importance of official acknowledgement to victims. Zalaquett argued Chile's commission had been "an important exercise in healing because each person who had previously been shunted away from official buildings was now received with dignity" (Zalaquett, 1996, 47), as well as being listened to respectfully and having their story incorporated into an official history of the country. This echoed Calata's comment to Goldstone at breakfast and in turn was echoed by Canas, Mendez and, in a piece of text given to delegates, the last words of *Dealing with the Past*, an excerpt of Lawrence Weschler's *A Miracle, A Universe: Settling Accounts with Torturers*. The piece was distributed because in the words of Boraine, it was "of enormous inspiration in contemplating our problems in South Africa" (Boraine 1996, xiv). It concludes that in Brazil and Uruguay "Victims – hollowed out, burnt out shells – came alive once again by testifying to the truth of their own experiences. And that truth, to a degree, has set both themselves and their societies free" (Weschler 1996, 175).

Speaking on that 'Acknowledgement, Truth and Justice' panel, Weschler made perhaps the most concrete argument for the benefit of truth in relation to his experiences of Uruguay. He described the horror of Marcelo Vignar, a psychologist, when Uruguay eventually passed an amnesty law. Weschler related Vignar's explanation of his distaste for amnesty and amnesia as follows:

This is such a sick little country, all torn and twisted and broken, with so much of the brokenness concentrated around the idea of knowledge, of knowing: 'You can't possibly know what it was like', 'We didn't know, we didn't realise'. The torturer's 'I know everything about you'. The victim's 'I don't even know what I said, what I did...' The torturer's 'Scream all you like, your resistance is completely futile, no one will ever know'. This point about no one's ever knowing was the very subject matter of the torturer's discourse. Do you understand? That's what the torture was all about. That's why an amnesty will be so terrible, because it was to perpetuate the torture itself

(Vignar, cited by Weschler 1996, 43)

For Vignar the important thing was not to have an amnesty. For the conference, and for Weschler, the important thing was not to have amnesia, but to have the truth: a direct, logical, almost mathematical response to the monopoly of not-knowing exercised by the apartheid government. To apply truth to not knowing would result in knowing, breaking the apartheid spell.

Truth was, largely, argued to have two major benefits for victims: 1. truth to counter not knowing; and 2. acknowledgement through the hearing of truth by officialdom. Aryeh Neier contrasted these two benefits in his opening address, arguing that truth was most useful where a major power of the regime was secrecy, but acknowledgement took precedence when abuses were more open, but that these were not admitted as morally wrong. There was some discussion whether South Africa needed truth or acknowledgement more, but both were generally concluded to be useful to some extent. Father Michael Lapsley, for example, speaking in his role as an advocate for victims¹⁵¹, stated explicitly that those with whom he worked wanted both truth and acknowledgement. Whereas, as Neier noted, “there is perhaps universal agreement that the truth about abuses of the past must be known” (Neier 1996, 5), the dissonance between the amnesty and reconciliation and truth and reconciliation models was clear at the conference. While, as discussed above, Zalaquett argued forcefully that “without truth and acknowledgement, reconciliation is not possible” (Zalaquett 1996, 13), there is strong evidence that amnesty and reconciliation enjoyed close linkage in the minds of planners and participants.

Amnesty

In a panel tellingly entitled “Reconciliation and Amnesty”, both Lawrence Weschler and Tina Rosenberg make what read today as strangely overbearing arguments against using amnesty in the name of reconciliation. Even more oddly, the two other panellists, Wiktor Osiatynski, a Polish constitutional lawyer, and Andras Sajo, then chief legal advisor to the President of Hungary, seemed to talk past their panel’s title, refusing to make a case for how the amnesties for which they worked furthered reconciliation in their home states. Perhaps both Weschler and Rosenberg were expecting to need to rebut powerful arguments and prepared papers accordingly. Equally, perhaps they were fighting against an argument that amnesty furthered reconciliation that, while notably absent from the recorded conference proceedings, was known to delegates and popular with those who were not invited. Weschler acknowledges the validity of this argument, saying, “In the context of reconciliation, there is an important tension between not allowing ignorance of the dead to undermine the reality of the living” (Weschler 1996, 58), although he concludes firmly that reconciliation requires truth, rather than amnesia.

¹⁵¹ Rather than as a victim himself. Father Lapsley was another victim of the security forces’ bomb campaign against apartheid activists.

Rosenberg spoke at length on the need to avoid the allure of the 'false' reconciliation offered by an amnesty, concluding

Beware of the words 'amnesty' and 'reconciliation', ... amnesty is often confused with amnesia and, I would like to add, reconciliation can often be confused with recurrence. The desire for maintaining short term equilibrium can have great long term costs.... false reconciliation risks allowing a centuries old cycle of crime and impunity to continue

(Rosenberg 1996, 68).

That Weschler's and Rosenberg's distaste towards amnesty was shared by the majority of the non South African participants is clear from the proceedings. Boraine notes in the introduction that Latin Americans in particular found South Africa's TRC attractive right up to the point he explained about the amnesty. South Africans attending the conference felt themselves more pragmatic, rooted in the South African experience. Mary Burton said she longed to shout out that international delegates simply did not understand what South African repression was like during some speeches (Burton 2008). While one South African delegate, Lourens du Plessis, who spoke on the history of South Africa's amnesty, attempted to work a way around the amnesty and argued (incorrectly, as it turned out¹⁵²) that the Indemnity Act 1990 and the Further Indemnity Act 1992 would be overturned after democracy, hinting that the NUR clause would not last long itself, he was quickly rebutted by other participants. Boraine argued that the two political parties that would form the majority in a new parliament would surely keep their word and maintain the amnesty on which they had agreed. Sachs stated categorically

There will be an amnesty. We are constitutionally committed to an amnesty. One can lament and criticise it, and argue about its terms. But the amnesty is balanced by the concept of reconciliation and reconstruction. It is not a reconciliation to bury and forget the past, which means to continue with the past, it is to assume responsibility for the past and correct the imbalances and injustices

(Sachs 1996, 128).

Of course, Sachs could have delimited the boundaries of the possible still further had he told the delegates that the ANC had decided three months previously to hold a truth commission that incorporated a limited individual amnesty that would only be granted on the basis of full disclosure. Instead, he answered delegates' interest in the NUR clause with the following statement:

¹⁵² Both the Indemnity Act and the Further Indemnity Act were further strengthened by the founding act of the SATRC, the Promotion of National Unity and Reconciliation Act, when it re-stated that the indemnity they provided meant their beneficiaries would not be required to reapply for amnesty with the SATRC unless they wished to admit a different, new, crime.

There is a reason for the peculiar form of the strange clause in the transitional constitution, a clause I would call a 'post amble' rather than a 'postscript' ... A balance was struck, and that was to say the issue of amnesty would be left to the future parliament on the understanding that it would be committed in broad terms to granting an indemnity At the same time, the clause in the constitution makes it clear that reconciliation must take place in the context of reconstruction and that the past should not be forgotten and buried (Sachs 1996, 145-6)

This makes nothing clearer. Indeed, it conflates amnesty and reconciliation more than it does truth commission and reconciliation. The final sentence, in referring to reconciliation, seems rather to mean amnesty, but that this amnesty and reconciliation will require certain conditions and contexts. The conference as a whole is not much clearer; the two models are used inexplicitly and explicitly by different participants at different times. They do not provide a conclusive answer to where or how reconciliation arrived in the truth commission model. What they do help with is the key motivation of the attendees in agreeing in principle to a truth commission, as they eventually did, which was primarily a concern for victims, a desire that their truth be told and acknowledged. Reconciliation, when mooted, was of a significantly lesser importance, its mechanism contested and its relevance thus reduced still further.

How the truth commission got its name

The conference papers do solve one question: how the SATRC came to have reconciliation inserted in its name. At the beginning of the conference, delegates used the phrases 'commission for truth', 'commission of truth' or 'truth commission' uncertainly and interchangeably. By the final session, most were referring confidently to a 'Commission of truth and reconciliation'. It was presumably this which inspired Boraine to suggest 'truth and reconciliation commission' after complaints that 'truth commission' sounded too Orwellian, too, in Sachs' words at the conference, like 'Ministry of Truth', and too, according to Nelson Mandela, upsetting to those in the security forces (Beresford 1994a).

The new name found favour with many of my respondents, who felt truth commissions and reconciliation a good pairing. Ray Radue (2008) argued, "Truth and reconciliation go together like love and marriage", perhaps not only implying a strong relationship between truth and reconciliation, but a causal one: presumably, there should be love for marriage; perhaps there should be truth for reconciliation. Peter Storey (2008) felt that it signified a "spiritual narrative accompanying the political narrative" of deals done and amnesties agreed. This spiritual narrative was related to the redemptive power of truth,

its power to reconcile a nation. Vido Nyobole (2008) argued, "Reconciliation was a word that captures the process of disclosure for amnesty". Finally, a number of respondents felt it was a way of preventing the truth from damaging a fragile peace: Faizel Randera (2008) believed that "if we hadn't put reconciliation at the forefront of this Commission, it would have just continued to reinforce the cross divisions" which were present in the country. Andre du Toit (2008) remembered a number of delegates at the conference and a number of people who did not attend but who, he stressed, were on the left, and were very worried that the truth commission would become a witch-hunt. Heribert Adam, whom du Toit mentioned by name, spoke up at the 'Any comments' section of the conference to argue:

My opinion is that one can be fairly sure that a truth commission or witch hunt would lead to more HRVs, more violence and more confrontation ... I fear that a truth commission, even one along the lines of the Chilean model, will be seen as undermining the amnesty and will drive the perceived victims of the commission into the right wing camp and further confrontation
(Adam 1996, 144).

Adam seems to use the phrases truth commission and witch hunt interchangeably; stressing that this was a reconciliatory truth, argues Andre du Toit, was a reaction to the very real fear felt by Adam and others like him.

That people were afraid of the truth hints to its power. We are not afraid of the powerless, only the powerful. The ANC, in particular, argued that this powerful, violent truth was a strong reason to have a truth commission. Again, Sachs' words are illustrative. In describing his own experience of victimhood at the conference, he demands that his truth become the predominant discourse: "What I seek is acknowledgement that what we did was right and that the values we stood for were correct. We belonged to a weird generation: We got into trouble not being bad, but for being good, and that was wrong" (Sachs 1996, 23). Here too we are looking at truth as acknowledgement, but it is a different sort of acknowledgement to that which Calata received from important people listening to her quietly. I cannot imagine anyone not listening respectfully to Justice Sachs, and his autobiography lists encounter after encounter with important people doing just that. That is not for what he is asking. He wants to win the ideological battle against apartheid that he has been fighting since he was a small child: apartheid was *wrong*, human rights abuses were *wrong*, banning political parties was *wrong*, blowing me up because I tried to show you the immorality of apartheid was *wrong*.

The ANC's truth

Given that I have argued that the ANC did not perceive a link between truth commissions and reconciliation it is perhaps necessary to explore why they did want to have a truth commission. I would argue that while the third sector were keen to conduct a truth commission for the sake of victims of apartheid, the ANC's motivation was the winning of the increasingly bitter ideological war that they had been waging against racism and racist policies since before the South African National Natives Congress began issuing its polite pamphlets in 1912¹⁵³. Further, it is perhaps important to look at *Reconciliation Through Truth*, Kader Asmal's book giving his own verdict on the truth the SATRC should produce, given that its name seems to imply that reconciliation and truth were indeed commonly linked in the minds of the ANC.

Kader Asmal, with Louise Asmal and Ronald Suresh Roberts, restates the argument made by Sachs:

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

(Asmal, Asmal and Roberts 1996, 9).

It is not a small request, but to achieve such repudiation would be, in essence, to win the ANC's central battle with the rest of South Africa. It is the same moral impulse that allowed Mandela to give such powerful speeches at the Rivonia Trial, a portion of which is quoted on the frontispiece of *Reconciliation through Truth*: "The government should be in the dock, not me. I plead not guilty" (Nelson Mandela 1963, cited in Asmal, Asmal and Roberts 1996, frontispiece). Should the government have been in the dock, and should society suddenly have realised the validity of Mandela's argument, causing the repudiation that Asmal, Asmal and Roberts demand, apartheid could have ended then and there. Once the government of South Africa agreed that apartheid was an immoral system implemented through immoral means by immoral people, it could turn immediately to democracy and embrace the Freedom Charter. Given the way the ANC viewed the purpose of the Commission, and remember that it was Kader Asmal who argued for a truth commission within the ANC, convincing the NEC meeting in

¹⁵³ The SANNC was renamed the ANC. See Chapter 2 for a discussion of the history of resistance to apartheid and the SANNC's role in this.

1993 to pledge itself to conducting one, it is unsurprising that the ANC thought it was good idea. If von Clausewitz can define war as a continuation of politics through other means, then we can say that the ANC viewed this truth commission as a continuation of its ideological war through other means.

Asmal dedicates the article¹⁵⁴ in which he made the first public mention of a truth commission for South Africa to “a celebration of the alternative moral order which has played an indispensable part in the struggle for the freedom and dignity of the people of South Africa” (Asmal 1993, 491). It is a densely argued and amorphous paper, including more ideas and argument than seems possible in a mere twenty pages. The central argument is not, actually, that South Africa should have a truth commission; this is just suggested as a possibility or perhaps an example. Rather Asmal’s arguments are directed towards the claim that something must be done about the past. The majority of the supporting arguments can be related back to the idea that the ANC’s ideology of apartheid as wrong, that his ‘alternative moral order’ is the correct one and must be acknowledged as such.

He notes, for example, FW de Klerk’s claim that apartheid “started as idealism in the quest for justice” (de Klerk, cited in Asmal 1993, 503) and that it ended at exactly the point it was realised that it “could not attain justice for all South Africans” (Ibid) as “a barefaced audacity which historians may parse” and I suspect he was holding his tongue. What he wants from the apartheid regime is something more similar to that given by a group of religious leaders who “denounced apartheid as ‘... in its intention, its implementation, and its consequences an evil policy’” (Asmal 1993, 503). This is perhaps the clearest demand for the regime’s acknowledgement of the truth of the ANC’s judgement on apartheid, but the theme runs through the entire paper. From its first public inception, the truth commission was part of a drive to demonstrate the moral superiority of the ANC’s position.

Between this and Asmal’s next publication came the ANC NEC meeting to discuss the Motsunyane Commission’s report from which I borrowed Sachs’ account to describe earlier. When the revelations included in that report forced the NEC to admit, “that abuses did occur” and express its “profound sense of regret, collective moral

¹⁵⁴ The article itself is a shortened version of the speech he made on becoming Vice Chancellor at Western Cape University in 1992 (Asmal 1993).

responsibility and apology to all who suffered” (Asmal 1993, 14), they tempered the role of a truth commission as solely examining the direct crimes of apartheid. Asmal’s second publication on dealing with the past instead states that

it is because we believe that there must be full disclosure and accountability that the NEC has proposed a truth commission be set up to investigate all abuses that have flown from the policy of apartheid. Instead of self indemnity, we need the whole truth so that all the victims of disappearances, murder, torture, and dirty tricks or their families know what happened (Asmal 1993, 15)

The admission that the truth commission will have to examine both sides’ violations is hidden, but present, and discernable largely from the context. The article is surprisingly self-congratulatory given that it is primarily a response to ANC cadres torturing, raping and murdering their comrades. Asmal must have seen or discussed Hayner’s 1994 article before its publication, presumably when she came to South Africa to research the two ANC truth commissions: he stresses specifically the uniqueness of the ANC’s investigatory commissions and objects strongly to the media’s highlighting of the abuses rather than the ANC’s moral superiority in disclosing them in the first place. The proposal for a truth commission included in the article seems not to be related to reconciliation (which is not mentioned) but rather aimed at disguising the ANC’s immoral acts; first in the morality of its investigatory fervour and second in a comparison with the apartheid governments obvious moral catastrophes.

Asmal’s third paper was published the same month as the *Dealing with the Past* conference was held, and thus presumably written before his attendance there. It begins: “There is a smug, comfortable and complacent lobby in our country which believes that the negotiation process will herald not only a new constitutional order, but will also ensure that our awesome apartheid legacy will be quietly forgotten and buried” (Asmal 1994, 27). The truth commission here is a weapon, designed to prevent forgetting and to counter the second strand of the reasoning behind the need for forgetting, that all sides are equally guilty. The truth commission, will, he argues echoing his second publication, “investigate all abuses that have flown from apartheid” (Ibid). Without the context of the apology for the abuses uncovered by Motsunyane, there is almost nothing to hint that this means the actions of all sides. The article implicitly argues that the ANC’s actions and abuses were not the responsibility of the ANC, but a consequence of apartheid. A truth commission will not only show the direct consequences of apartheid, but also expunge guilt from the ANC high command

because their actions were simply a response to those conditions. This is not a truth commission for reconciliation, but a truth commission for winning the long-standing ideological war against supporters of apartheid. Where Asmal does mention reconciliation in his paper, it is only to counter the argument that ignoring the past will further reconciliation. Arguing that ignoring the past does not further reconciliation is entirely different to arguing that focusing on the past does further reconciliation. In February 1994, before the *Dealing with the Past* conference was held, but after the ANC had agreed to support the creation of a truth commission, the primary motivation for a truth commission was not, in the ANC at least, the victim centred healing that the conference stressed, and reconciliation was not involved, but rather a politically motivated search for the evils of apartheid.

Conclusions

The curious thing about my interviewees being so surprised that I should wonder on the origins of reconciliation in the SATRC model is that despite their bafflement that the question was asked, none could provide a conclusive answer for me. This should be an easy question; a question with a short, journalistic answer. Instead, it has ranged across the early 1990s of South Africa, beginning with a discussion on the climate of that time. Interviewees' comments and contemporary accounts demonstrated those 'heady days' and linked the climate of reconciliation to the person of Nelson Mandela. I described the period as reflecting intense liminality, that betwixt and between stage illuminated so well by Victor Turner, where the world is turned on its head, where a terrorist can become President, where a black man can support apartheid's favourite team and where South Africans of every colour and typology can reconcile.

Interviewees offered various other vague explanations, pointing to the need for reconciliation in South Africa, as one respondent put it "nobody was leaving" so there had to be reconciliation. Others argued that reconciliation came from the ANC, who had always 'been about' reconciliation. A close reading of the Freedom Charter suggests the reconciliation they had always been about was related to the idea that all were equal and equally welcome in an ANC South Africa. My NP respondents focused instead on FW de Klerk's position as facilitator of the negotiations, and thus reconciliation, and the NP's strong desire for and work towards that goal. Cynically, I suggested that perhaps this fervour for reconciliation amongst the parties was politically

motivated: imagine the political impossibility of standing up and saying 'I am against reconciliation'. Those who shunned reconciliation, like the AWB, have disappeared into the political wilderness of bitter internet chat rooms and humorous ethnographic films such as Nick Broomfield's *The Leader, His Driver and the Driver's Wife*. Having rejected these explanations as better suited to understanding the climate of the time, rather than the sort of concrete mechanism one might expect, we looked at the two major groups of ideas that linked reconciliation more firmly to the truth commission itself.

The first of these looked at reconciliation as entering the truth commission model when it crept in as part of the ameliorative rhetoric surrounding amnesty. The ANC, said Enver Daniels, needed to reassure the white right that they were not going "to do a Mugabe" (Daniels 2008). That a link between amnesty and reconciliation existed was demonstrated by examination of the two preceding amnesties that relied heavily on reconciliation as a justification. Thabo Mbeki recently noted, "The drafters of the Interim Constitution also saw amnesty as an essential element of the quest to advance reconciliation and national unity" (Mbeki 2007); South African legislators continue to invoke amnesty in reconciliation's name, in this case in relation to a worryingly uncontroversial bill aiming to indemnify even more political crimes. The lawyers in my cohort of interviewees concurred: reconciliation came to the truth commission through the amnesty provision.

At this point, we suffered a fairly serious set-back in trying to find consensus regarding reconciliation's genesis in the truth commission model. Andre du Toit argued that it was the consequence of a politically pragmatic decision by the Minister of Justice, Dullah Omar, to bury the bad news of amnesty in the interesting news of a truth commission. When these two came together, amnesty's reconciliation became linked to truth commissions. Albie Sachs' account argued the only reason reconciliation appeared in the clause guaranteeing amnesty was as commonly understood shorthand for "truth commission with a limited amnesty". Confronted with such divergent interpretations, I reverted to contemporary accounts and arguments, in the form of the proceedings of the only 'origin' included in the 'Historical Origins' section of the SATRC report not directly related to the legislation or the legislature, that is Alex Boraine's conference.

The Report explains, in its understated way, that the conference was “attended by leading scholars and human rights practitioners, that stimulated wide debate in civil society” (SATRC, Vol 1, 52). While there was some support for a link between truth commissions and reconciliation in the conference there was also evidence supporting a link between amnesty and reconciliation. Pepe Zalaquett, of Chile’s National Commission on Truth and Reconciliation, argued very strongly that reconciliation was only possible on the basis of truth and acknowledgement. This was, however, not the focus of the conference, which rested firmly on the victims of apartheid. That focus meant that the emphasis was placed on truth, which the conference participants argued had a direct benefit to victims, rather than the amorphous and elusive concept of reconciliation.

Boraine notes in the conclusion to the second edition of the conference’s proceedings that “it is almost easy to forget that at the time of the conference on which this book is based it was still unclear whether the political will existed to put such a commission in place at all” (Boraine, 1996, 152). The demands for and promises of a truth commission by Kader Asmal and Albie Sachs should be read in this light. Contrasting their certainty that an amnesty would take place and their desire for a truth commission gives a firm pointer to what the ANC could guarantee once they formed the majority of a government, not a truth commission, but an amnesty enshrined in the Constitution as promoting reconciliation.

The strange panel on ‘Reconciliation and Amnesty’ included the most discussion of reconciliation. It focused largely on rebutting an argument that amnesia can lead to reconciliation, an argument which was never made at the conference. The rebuttal reads today like the kicking to death of a straw man, suggesting that this unspoken argument was considered strong enough and present enough to deserve such a rough and thorough reworking. It does, however, seem that the truth commission got its name at the conference, with participants gradually being drawn towards ‘Commission for Truth and Reconciliation’. Despite a number of my respondents stating there was an obvious link between truth and reconciliation, it seems more likely that it became a reconciliatory truth in order to quell fears that it would be an accusatory, confrontational truth or a witch-hunt.

Kader Asmal's publications give a strong hint as to why a truth commission should find favour with the ANC. As the chief proponent for a truth commission within the ANC, we can assume that the arguments he made met with favour given the truth commission's status as official ANC policy, even if it enjoyed less certainty than the amnesty. In each publication, he demands that the elements of South African society who still have not realised the moral decrepitude of apartheid must be forced to acknowledge its evils. A truth commission, he argues, in demonstrating that evil, would force those who deny apartheid's immorality finally to acknowledge it. He is putting apartheid in the dock, as Nelson Mandela demanded someone should at Rivonia, and inviting South African society to be the judge. In so doing, he intends to win the ideological battle that was at the heart of the struggle. If the white right had listened to Luthuli when he first explained the wrongness of a racially unequal society, apartheid may never even have happened. In the three publications that preceded the creation of the Commission, Asmal does not mention reconciliation, excepting to rebut the now familiar argument that amnesia promotes reconciliation. If the ANC associated reconciliation and truth commissions, no one told Asmal, the main advocate of the truth commission in the ANC. In his view, the major reason for a truth commission was a final denunciation of apartheid as a crime against humanity, and to win the longstanding ideological battle once and for all.

All this considered, I am unconvinced that there was a widespread link between reconciliation and truth commissions before democracy finally came to South Africa in April 1994. There was no consensus that truth, rather than amnesia, was a necessary condition for reconciliation. There was no suggestion that a truth commission was a sufficient condition for reconciliation. Truth commissions were considered useful to the extent that they helped victims through knowledge and acknowledgement and/or furthered the goal of winning the moral battle at the centre of the struggle. When Sachs states that reconciliation and truth commissions were intimately linked from the beginning, I would suggest this is either political posturing or a misunderstanding of the political posturing of others. There was no reason one should link the two concepts. Reconciliation entered the name of the truth commission because its proponents were so worried that 'truth commission' would sound and be thought of as violent and dangerous, not because of some obvious correlation between them. At this stage, before the Promotion of National Unity and Reconciliation Bill was tabled, before the

publicity, while the truth commission remained a hope, rather than a certainty, the truth commission did not have its reconciliation, it was simply named for it. Not even the name itself was secure; Nelson Mandela would still be offering alternative names for it the winter after he was elected.

It is critical that we take note of this. The human rights community and the most popular party decided, independently, to conduct a truth commission, not a truth and reconciliation commission, not a commission for truth and reconciliation, and not in order to promote, conduct or facilitate reconciliation. Nonetheless, the Promotion of National Unity and Reconciliation Act, passed in winter 1995, just a week before South Africa won *that* rugby match and Mandela donned *that* jersey, legally required the Commission to conduct all its activities in order to 'promote reconciliation'. Its green and white banner, slung across the walls of church halls throughout South Africa between 1996 and 1998 read: "Truth: the Road to Reconciliation".

Bizarrely, Desmond Tutu's 1996 'Foreword', written after he became Chair of the Commission, to the second edition of *Dealing with the Past*, wherein reconciliation received such an ambiguous reaction from conference participants, extols reconciliation above other goals: "We in the Truth and Reconciliation Commission have been appointed by President Nelson Mandela and the cabinet to facilitate a nationwide process of healing and reconciliation in this country through contrition, confession and forgiveness" (Tutu 1996, vii). Where is the acknowledged truth of the conference or the violent truth of the ANC? The 'Foreword' and the body of the text might belong to different books. The truth commission planned before democracy and the truth commission for which South Africa is famous might belong to different countries.

Before continuing with an historical analysis of this dissonance, it is necessary to turn to the definition of reconciliation as understood in South Africa and used in relation to the SATRC. Thus far, we have looked at its contested role in the literature, but not how it is understood 'on the ground' in South Africa and as reconciliation became increasingly prominent in the truth commission model, its definition became increasingly important, and, as we will see, no less contested. First, we will look at the definitions we have already encountered in this chapter, before looking at my interviewees divergent interpretations of its meaning.

Chapter 5: Reconciliation in South Africa

Introduction

By the end of the conference described in Chapter 4, the South African truth commission was well on the way to becoming a truth and reconciliation commission. As discussed in Chapter 3, conceptions of reconciliation are spread across a large conceptual landscape. What sort of reconciliation was the truth commission getting? In this chapter, we look to definitions of reconciliation provided by my interviewees to understand where along those imagined axes they posited the SATRC's reconciliation. As demonstrated in Chapter 3, where a definition exists on these axes has implications for how one conducts reconciliation. This chapter demonstrates that were there important differences between conference delegates' conceptualisations of reconciliation. Delegates understood reconciliation, and thus the impact of inserting reconciliation into the Commission's title, in different ways.

It might be expected that after the SATRC, South African views of reconciliation would share a smaller area of the conceptual space available to reconciliation; that the meaning of reconciliation would have coalesced around a small number of ideas so that it lay at one end or another of the axes outlined in Chapter 3. This chapter demonstrates that this has not happened. Definitions range from the thickest to the thinnest ends of the axis describing the depth of reconciliation, from the most concrete mechanism with a predetermined range of prerequisites and facilitative conditions to the less demanding 'no violence'. Interviewees disagreed about the utility and relevance of truth, forgiveness, and empathy. Some addressed reconciliation at the national level, some at the interpersonal and some at the intrapersonal. People who worked together for two years on a Commission which is commonly asserted to have been aiming at reconciliation share very few ideas about what reconciliation is.

One common area of agreement is that Nelson Mandela did much to promote the atmosphere of reconciliation that pervaded the years immediately surrounding the transition. This chapter thus includes a discussion of how it was possible for Mandela's actions to represent so many different conceptions of reconciliation. Rather than Mandela providing a unifying element in his acts of reconciliation onto which many could latch, he instead demonstrated many different types of reconciliation. His actions can be interpreted as representing most areas of the conceptual landscape covered by

reconciliation. Mandela's reconciliation was all-encompassing, allowing all South Africans to see their reconciliation in him. He succeeded in inspiring a nation to reconcile. However, he did not model for them one conception of reconciliation for which all could work, rather allowing a series of competing conceptualisations. Mandela's role, however, was to be a President, not to teach a country how to reconcile.

Having discussed Mandela's reconciliation, we move on to look at reconciliation as defined by my interviewees. There are areas of agreement between certain individuals, but as will be seen, those who agree might have been expected to agree before the Commission began its work. It does not seem that the Commission helped to commensurate definitions. Thus, we have the right wing agreeing that reconciliation is peaceful coexistence, human rights advocates looking to deep understandings of reconciliation which focus on victims, and lawyers rejecting 'softer' concepts like relationship and empathy. This chapter concludes that the SATRC did not help South Africans understand the meaning of the reconciliation for which they were aiming, and, more importantly, did not tell its staff what reconciliation was or how the SATRC could help to achieve it.

Inexplicit arguments

Before we look at the interviewees' views of reconciliation, we are going to examine two definitions from the last chapter. These are that used by Rosenberg in opposition to her idea of 'false' reconciliation and that which explains how Kader Asmal is able to commensurate the violent truth for which he lobbied and the title of the most thorough explanation of that truth: *Reconciliation through Truth: A Reckoning of Apartheid's Criminal Past*. These two definitions came from opposite ends of the creation of the SATRC. Tina Rosenberg typifies the victim centric approach that I argued provided the basis of the NGO communities' arguments that South Africa needed a truth commission. Kader Asmal was one of the strongest proponents of a truth commission from the ANC side, and his definition is based upon the idea of truth as the ANC's moral superiority.

To take Asmal's definition first: it reads:

The facing of unwelcome truths in order to harmonise incommensurable world views so that inevitable and continuing conflicts and differences stand at least within a single universe of comprehensibility. It is part of what the Chileans call *reconvincia*, a period of getting used to living with each other again. In the political context, reconciliation is a

shared and painful ethical voyage from wrong to right and also a systematic settling of moral and political indebtedness. It is, as Andre du Toit puts it, 'a conscious and justified settling of accounts with the past' (Asmal, Asmal and Roberts 1996, 47)

Asmal, Asmal and Roberts stress that the acceptance of truth required in order to fulfil this definition is not total. If Constand Viljoen¹⁵⁵ wishes to become reconciled, he does not have to learn the ANC history by heart. What they rather require for one to be reconciled is far harder: Viljoen must travel 'from wrong to right', he needs to accept the immorality of apartheid and the evils which flowed from it, reconceive of his life as a struggle to prop up a regime which plugged the holes in its morality with (his) violence. To put this in terms of the axes developed in Chapter 3, Asmal's definition is intrapersonal, in that it addresses individual psychology, but aims at *every* perpetrator. It is thus national in reach. Like many of the definitions from the literature discussing intrapersonal reconciliation, it requires truth, and it requires that truth be accepted, and acknowledged. It is deep in that it reaches far into its subjects, but it does not require a relationship, rather, like the race relations element of empathetic models, it potentiates relationships.

Tina Rosenberg's definition requires a lesser challenge to apartheid worldviews:

Being freed from the prison of dictatorship does not mean that a society is suddenly ready to bury its past. People are only ready for reconciliation if they are ready to live a normal life in a normal country. An Argentinian officer who has killed and tortured, but has never acknowledged his crimes or felt the need to repent his actions, is not ready for reconciliation. If he still believes he did the right thing and still behaves in a manner that would allow him to repeat his crimes, then he is not ready to put the past behind him. Any reconciliation in his society is not true reconciliation (Rosenberg 1996, 67)

She goes on to argue that a reconciled society also requires victims to feel acknowledged, and that justice has to be done in some way. A "great majority" (Ibid) of, though not all, victims and perpetrators must be brought to this point for a society to experience Rosenberg's true reconciliation, which she argues will result in them being "ready to live together" (Ibid). Her reconciliation is relatively deep, she wants repentance and an acknowledgement of wrongs committed, and to an extent forces intrapersonal reconciliation into national reconciliation as Asmal's does; she wants most victims and perpetrators to come to the point of reconciliation. Like Asmal's, her

¹⁵⁵ Viljoen was commander of the SADF during the early 1980s and then led the right wing Freedom Front in the 1990s. While he was a noted member of the Broederbond, and famously gave a speech suggesting that as black people were allowed to fight for their country, they should also be allowed to vote, he is not noted for his acceptance of ANC moral values.

definition requires truth. The central difference between the two definitions is the sort of truth required, and the person who must accept that truth.

Rosenberg, focusing on her experience of Latin America, talks in the language of victims and perpetrators. This is in contrast to Asmal's more general discussion, which, while clearly aimed at supporters of apartheid, does not require the high profile example that I chose. It could just as easily apply to Mr. van der Merwe of Roodiport, an imaginary apartheid-era civil servant, who continues to believe that, fundamentally, apartheid was a good idea badly implemented. Rosenberg's definition ignores Mr. Van Der Merwe, because he did not torture anyone, did not commit horrendous violence, there was no illegal act. It also ignores Ms. Smith, whose privileged lifestyle was solely possible because of the conditions those who worked in her mine endured, Mr Mlanga, who had to work at that mine in appalling conditions and without being allowed to bring his family to live near him, Ms Singh, who could not go to a decent university, and Ms. Coetsee, who was forcibly removed from District Six and sent to live in Elsie's River, with its flooding, high crime rate, and despondency. All these people are ignored because they do not fit in with Rosenberg's implicit definition of a perpetrator as someone who committed a violently appalling act, like torture, and her definition of victim, as someone who was subject to such violence. It refers only to the minority of South Africans who experienced apartheid at its worst, the victims of illegal apartheid, and in so doing ignores the majority of South Africans, the victims of legal apartheid. As a result of this exclusion, the truth that has to be accepted is slightly less violent than Asmal's definition. The perpetrator need not renounce his whole worldview, just that bit of it which allows him to torture people to death. This means that a reconciled South Africa can continue to be a place of division, hatred and racism so long as no one acts violently on these thoughts. It is almost as thin as the peaceful coexistence embodied by the Rwandan genocidaire, Laurent. Rosenberg's definition results in a shallower (it requires less transformation) and less inclusive (it involves fewer people) reconciliation than Asmal's, despite its apparent depth in requiring psychological change in perpetrators. In this way it reminds us that even peaceful coexistence requires a significant change in a nation as compared to conflict.

For both Rosenberg and Asmal, reconciliation is something that happens inside an individual's head. They expect that once the psychological changes have taken place,

the individual will be ready to interact in a reconciliatory manner with other individuals. For Asmal, this involves a significant shift in the person's sense of self and of the world that would seemingly allow even the most virulent of former SAPF operatives to enter into a positive relationship with a committed ANC cadre. For Rosenberg, an individual requires less of a mental shift, but will be restricted in his or her possible relationships; very few ANC cadres will be willing to enter into a relationship with a racist who believes firmly in apartheid's values.

Despite the efforts of both Asmal and Rosenberg to include victims (and in Asmal's case this is victims of both legal and illegal apartheid), neither properly seems to address the majority of 'good' South Africans, those who neither believed in apartheid nor acted for it. In both cases, these victims of legal apartheid remain passive, reaping the benefits of the psychological changes in perpetrators, but not actively seeking reconciliation in and of themselves. This is perhaps how it should be; as was noted in Chapter 3, models of reconciliation which require action by victims face criticism as being unjust. However, it does continue the idea of victim passivity in the face of perpetrator action. While aiming for the sort of tolerant society described in, for example, the civic trust model, nothing in their definitions is put in place to assist in this. There are no government actions required, and the focus of the reconciliation is purely in the minds of those most deeply affected.

It also means that neither of the definitions can logically be applied to Mandela, who represented reconciliation to so many of my interviewees and so many South Africans. In Rosenberg's definition, Mandela can neither be said to fulfil the criteria for a perpetrator (he never, for example, approved of torture) and nor those for a reconciled victim (he had received neither 'justice' nor 'acknowledgement' from the apartheid state). For reconciliation to be applied to Mandela as a perpetrator, Asmal's definition demands that he travel down a path from 'wrong to right'. I doubt very seriously whether Asmal would wish to claim Mandela needed to travel down such a path. Alternatively, if Mandela is a victim, he needs for perpetrators to travel down this route, a feat which the majority of the apartheid state's personnel had yet to manage in 1996. If Mandela is the "embodiment of reconciliation" (Nyobole 2008), something is missing in both these definitions. He cannot both be the embodiment of reconciliation and absent from its definition.

Mandela's reconciliation

What does Mandela's status as the "embodiment of reconciliation" (Ibid) tell us about South Africans' views of reconciliation? Most frequently mentioned was his forgiving attitude to those who imprisoned him. Rather than seeking to vilify his warders, his autobiography, for example, goes to great lengths to point out those guards whose, frequently small, acts of kindness he remembered (Mandela 1995a). His appearance at the Rugby World Cup Final demonstrates an effort to understand his former or supposed enemies; rugby, as I said in the last chapter, was not the sport of choice for black people in apartheid South Africa, and its rules are not easy to learn. Mandela was wearing a Boks¹⁵⁶ cap for the week preceding the game, and ably fielding complex questions about tactics and plays, all the while continuing to state categorically he knew the Boks would win. In so doing, he was demonstrating his loyalty to 'their' team, becoming, in a little way, part Afrikaner. Mandela is engaging in reconciliation as empathy on a grand scale. He is understanding the other. It is not quite the empathy that Halpern and Weinstein (2004) imagined, because it is not an interpersonal empathy, but it nonetheless permits the nation to imagine that they understand the mind of the President and that he understands them.

His other famous reconciliatory act was to visit Betsie Verwoerd, widow of the architect of apartheid¹⁵⁷, and herself a supporter of racial segregation, took tea with Nelson Mandela in her home. Mandela did most of the work, travelling to Orania, the tiny all white settlement where the council interviews prospective residents to confirm their Afrikaner credentials, belief in white self reliance, and commitment to preventing any 'non-white' person from spending the night within its boundaries (de Beer 2006). This is reconciliation as forgiveness at its most magnanimous. But there was effort from both parties here: Verwoerd did invite Mandela.¹⁵⁸ The reconciliation in this event is both from Mandela, in his willingness to forgive, and from Verwoerd, in abandoning her principles and allowing a black man into her home. Another Zapiro cartoon is illustrative:

¹⁵⁶ Short for Springboks, the emblem of the national rugby side.

¹⁵⁷ Hendrik Verwoerd, former Prime Minister, is described by Mandela as thinking "Africans were lower than animals" (Mandela 1995a, 512), continuing that Verwoerd was "both the chief theorist and master of apartheid, he had championed the creation of the Bantustans and Bantu Education" (Ibid, 513). Verwoerd was murdered in office by a (white) immigrant during a sitting of Parliament. For the continuing cultural resonance of Verwoerd's murder, see Krog 1999, 2.

¹⁵⁸ Although I suspect at his request.



(Zapiro 2008)

As Asmal, Asmal and Roberts note, on that day “it did not seem that the President smelt repulsive to her. It seemed that she had abandoned her strange science of racial scent” (Asmal, Asmal and Roberts 1996, 6). *Die Beeld* reported the event, wherein Verwoerd made a speech:

Tant Betsie took the piece of paper and began to read: ‘Thank you very much Mister President that...’ And then her piece of paper began to shake. Madiba took a firm hold of the paper and completed the sentence: ‘... that you visited Orania’

(Die Beeld cited in van Rensburg 2008)

‘Tant Betsie’, whose choice of residence means that she cannot receive even domestic help from ‘non whites’, is allowing ‘Madiba’ not just to help steady her shaking hand, but finish her sentences. *Die Beeld*¹⁵⁹ is actively participating in the reconciliatory event: ‘Tant’ is a respectful, but affectionate appellation, meaning Aunt and presumably deriving from the tradition of calling Afrikaans leaders (always male) Oom, or Uncle. ‘Madiba’ is Mandela’s clan name, an honorary title that relates to his royal status within Xhosa traditional hierarchy, and which is usefully borrowed by white people as a public signal that they *adore* Mandela and are thus definitely not racists. It is rare to see ‘Tant Betsie’ and ‘Madiba’ in the same newspaper, let alone in the same article. This is the reconciliation of Long and Brecke (2003), who argued that symbolic gestures of

¹⁵⁹ *Die Beeld* is the most widely read Afrikaans daily in South Africa. See du Preez (2004, 63-64, 163-4, 217) for a variety of criticisms of its support for apartheid and apartheid era editorial policies.

reconciliation made at the level of political elites inoculates a society against a return to conflict.

Reconciliation, as exemplified by Mandela, is inclusive, forgiving, non-racial, together. Reconciliation is something happening between two people, both taking a step towards each other, becoming a little closer, changing their relationship. In this sense, it is interpersonal reconciliation. It is also something in which all can join; take on the language, ignore the past wrongs committed by all sides, and condone the act. At this point, it becomes national. Mandela's reconciliation, which my interviewees were so keen to recall as interpersonal in the act, which involves both parties making efforts towards the other, has a glow in which others can bask, requiring less effort, but spreading the reconciliation nationally. His status as the 'embodiment of reconciliation'; is largely about three, interconnected, attributes of reconciliation:

- Forgiveness of past wrongs
- Efforts towards understanding 'the other'
- Gestures of coming together with 'the other'

These three elements might be expected of someone having fulfilled Asmal's definition. However, as discussed earlier, Mandela could neither achieve the psychological change demanded of perpetrators because he was not a perpetrator, nor enjoy the benefits of psychological change of others because it was yet to occur, he had yet to receive the sort of justice and acknowledgement that Asmal requires before a victim to be reconciled. In Rosenberg's terms the description of Mandela's attitude as reconciliatory is almost meaningless, neither active perpetrator nor passive victim models fit Mandela. Mandela's reconciliation is related to the act, it is a reconciliation you can see, understand, join and applaud, if it did not, my interviewees would not be able to discuss it with me. It neither focuses on deep-seated psychological changes to his personal morality nor does it require such changes in others. In this way, it does not upset those who argue that peaceful coexistence is all that one can expect from reconciliation: Mandela is not insisting that Betsie Verwoerd let him stay overnight in Orania, he is not asking that she make steps towards acknowledging him, his culture or the wrong done to him by a political system she supported. While she must have him in her home, she

is free never to use the cup from which he drinks again¹⁶⁰ and would be permitted to live out her days in her all-white enclave until she died in 2000.

Mandela's reconciliation cross-cuts nearly every level of reconciliation discussed in Chapter 3: intrapersonal reconciliation in coming to terms with the past he had suffered, interpersonal reconciliation with Betsie Verwoerd, community reconciliation in the sense of being open to forming relationships with members of 'the other' and learning about their culture with his behaviour during the Rugby World Cup and excellent Afrikaans, and national reconciliation through his relationship with other political leaders, such as de Klerk¹⁶¹, and the policies he enacted to create a more trustworthy state. He embodied deep reconciliation, forming close personal bonds with those who guarded him in jail (Mandela 1995a, 650, 672) and thin peaceful coexistence as noted above. He offered many of the mechanisms or prerequisites of reconciliation: forgiveness, peace, empathy, understanding, truth, acknowledgement, and inter racial harmony. Mandela embodies reconciliation to so many people because everyone can see their vision of reconciliation within him. This was probably deliberate. He explicitly saw himself as key in promoting reconciliation in South Africa: "From the moment the results were in and it was apparent the ANC had won the election, I saw my mission as one of preaching reconciliation, of binding the wounds of the country, of engendering trust and confidence" (Mandela 1995a, 744-5).

Mandela managed to reconcile many of the models. What he did not, because he was a victim, not a perpetrator,¹⁶² manage to include in his many exemplifications of reconciliation was the perpetrator centred definitions that both Asmal and Rosenberg provide. While I imagine both Asmal and Rosenberg would agree that Mandela embodies reconciliation, in their definitions they have fallen into the trap discussed in Chapter 3; they conflate very different subjects of reconciliation. Thus we have two very distinct models of reconciliation, one focused on victims forgiving, understanding

¹⁶⁰ The practice of not sharing crockery across the racial divide was once common. See Mathabane 1986, Marinovitch and Silva 2001, Mandela 1995a, 83 or Malan 1990 for descriptions of this and other divisions.

¹⁶¹ With whom he shared the Nobel Peace Prize in 1993. Their actual relationship seems to have been sometimes difficult, Mandela insists in his autobiography that they had a functioning relationship and pays regularly tribute to de Klerk (see Mandela 1995a, 734-5, 744-5). Notably, his autobiography does not cover the period of the Government of National Unity, during which time de Klerk feels their relationship became strained (de Klerk 1998, 364).

¹⁶² It should be noted that he can be seen as a perpetrator early in his career. The 'Black Pimpernel' was MK's first leader, and presided over what has been called a campaign of terrorism, or what he saw as a justified war against an illegitimate oppressor. See Mandela 1995a 330, 336-340,

and stepping towards perpetrators and the other focused on perpetrators realising, to a greater or lesser extent, their culpability for an evil act or system.

Interviewees' reconciliation

Where possible, I asked all my respondents what reconciliation meant to them. For a group of people all of whom have an involvement in the SATRC in common, their responses were very varied and often contradictory. Themes do emerge, and patterns are discernable, and these have been highlighted in what follows, but it is important to stress that I doubt whether I could have found consensus on any of my respondents' definitions with all but the smallest number of the rest of the cohort. This difference is particularly noticeable because respondents tended to make mention of two or more ideas within their definition, and thus while there is potential agreement for some elements between some definitions, other of the elements would induce conflict. Given the range of conceptualisations of reconciliation discussed in Chapter 3, this might be considered unsurprising if my interviewees had not all been closely involved in a Commission which is so closely associated with reconciliation. As Chapter 3 demonstrated, one's conceptualisation of reconciliation is closely linked to how one imagines achieving reconciliation, or even if it can be achieved, and what work counts as work towards engaging with or achieving reconciliation.

The rest of the chapter is organised so that each section engages with a different theme which emerged from my interviewees' responses. There is considerable disjuncture between the themes that my interviewees stressed and the three axes discussed in Chapter 3. The three most common themes mentioned were:

- those relating reconciliation to the past or the truth of the past;
- reconciliation as peaceful coexistence; and
- reconciliation as a growing understanding of the enemy/the other as a person.

Only four of my interviewees failed to mention any of these conceptualisations. Some interviewees mentioned two or more of them, although this was unusual. Most people seemed to recognise one of these, and focus on that one conceptualisation. These three were the centre of reconciliation's landscape for the individuals who offered them.

Reconciliation as focused on the past

Reconciliation as focused on the past was the most common component of definitions offered by my interviewees. A notable number of commission employees mentioned this type of reconciliation: ten of the fourteen authors of this definition were Commissioners or Commission employees. Given that this was the first form of reconciliation that the SATRC espoused, this is perhaps not surprising. For the SATRC, this was “coming to terms with a painful truth” (SATRC 1998, Vol 1, 107) but it tended to conceive of this as relevant to victims who would have a truth relating to their victimisation revealed to them and thus experience closure¹⁶³. As will be seen, my respondents were generally less exclusive in the applicability of this definition. In this theme, I have grouped together two types of past-facing reconciliation, those relating reconciliation to working with the past, and those that argued reconciliation was not forgetting the past. Each has a slightly different emphasis: the former relates to a type of memory work, changing what is in the mind, adding to or altering one’s remembrance of the past or one’s feelings about the past, while the latter requires no change of perception towards the past, simply that the memory of it be carried forward into the future. Both definitions seem to be types of intrapersonal reconciliation; ways of getting on with life after having experienced an unpleasant history.

First, then, to reconciliation to the past, which was most cleanly expressed by Russell Ally who said reconciliation was primarily “Reconciliation with the past ... about understanding what happened” (Ally 2008), Mary Burton talked about “Reconciliation to a truth” (Burton 2008) and Wendy Watson “having an honest relationship with the past” (Watson 2008). Piet Meiring’s definition involved, but, it should be noted, did not focus solely on “truth”¹⁶⁴ (Meiring 2008). These are an uncontroversial understandings of reconciliation, speaking to a common sense understanding that it is possible, and sometimes necessary, to reconcile oneself to an idea and conforming to one of the dictionary definitions of ‘reconcile’. It conforms to Pankhurst’s definition as discussed by Ramsbotham, Woodhouse and Miall (2005, 231), the first definition discussed in Chapter 3. As the truth of the past is not specified, these definitions are appropriate to anyone, and can happily be adapted both to a serious reorganisation of entire

¹⁶³ See discussion of the types of reconciliation espoused by the SATRC in Verdoolages 2008, Wilson 2001, and Moon 2008

¹⁶⁴ Note that as it is only possible to have a truth about the past, where an interviewee has talked about truth, I have interpreted this as the truth about the past.

worldview, such as required by Asmal, or a decision not to torture people as required by Rosenberg. They make no specification of depth, and as such are not overly prescriptive in terms of mechanism, they need truth, but the exact mechanism is determined by the person and type of truth they need to accept. This definition was offered only by people who worked within the Commission¹⁶⁵. It is significant that they have all defined reconciliation as something in which the Commission could assist through its truth production activities.

Three other respondents agreed reconciliation was about reconciling to a truth, but chose to specify that truth, making their definitions less likely to find mass appeal. For Hanif Vally¹⁶⁶, the truth had to be “a common narrative which would find commonality with both sides” (Vally 2008), and for Faizel Randera¹⁶⁷ it had to be “about each community having participated in human rights violations of the past” (Randera 2008). These two definitions both require a sort of extra reconciliation, reconciling the person to the truth and, in addition, two (or more) sets of truths to each other. Dave Stewart was more explicit in this; he said reconciliation was “reconciliation to a truth” (Stewart 2008) but also about “accounting, balancing” (Ibid) implying a similar comparison and eventual agreement before one can be reconciled to the truth. In combining two reconciliations into one, all three definitions capture very well the task the SATRC gave itself of reconciling the truth of the apartheid government with the truth of those fighting against it. It is perhaps unsurprising that two Commission employees gave these definitions; for them, to an extent, reconciliation can only be achieved by accepting the truth the SATRC produced. While Stewart’s definition is less demanding in what those two reconciled truths must comprise and does not reference the content of the SATRC in the same way as Vally and Randera, it is more surprising that he, FW de Klerk’s right hand in his new foundation,¹⁶⁸ and a senior staff member in the 1990s, should also adhere to this idea. Again, these definitions conform to one of the elements of Pankhurst’s definition, but add a further element not present in those who specified nothing about the truth to which one must become reconciled.

¹⁶⁵ Ally was a Committee member in the HRVC, Burton and Meiring were Commissioners, Watson managed the Durban office.

¹⁶⁶ Vally worked in the Commission’s legal team.

¹⁶⁷ A Commissioner

¹⁶⁸ Since leaving formal politics, FW de Klerk has set up a foundation in his own name. Its slogan runs: “Continuing the miracle into South Africa’s second decade” (FW de Klerk Foundation 2009).

In contrast to the definition offered by the SATRC discussed above, the definitions of Ally, Burton, Randera, Stewart, Watson and Vally can all be applied to any South African, be they labelled victim, perpetrator, bystander or something else. The effects may be different; as discussed in Chapter 3 reconciling oneself to being tortured, having tortured, done nothing about torture, or having supported a government or opposition group that tortured are very different events and have very different psychological consequences. Nonetheless, they are all covered by the above definitions¹⁶⁹. George Bizos' definition, on the other hand, posits reconciliation as purely the domain of victims, following the SATRC model. For him, it requires "an acceptance that wrong was done to you" (Bizos 2008). His friend Richard Goldstone thought reconciliation allowed a victim to put their victimisation "behind them" (Goldstone 2008). Similarly, Peter Reynolds (2008) recognises acceptance of truth as part of a very psychologically based model/process he defines as reconciliation. Wendy Orr (2008) argued that reconciliation was about victims coming to terms with the truth of their victimisation. She exemplified this with a young man who had been tortured no longer obsessing over the details of his torture, but rather accepting the truth of them as part of his life. All three require the same element of reconciliation to a truth as the others, although they are unique as far as they focus on the specificity of application of truth, which is, for them, only for victims. As such, this is a deeper reconciliation than might be envisaged for a bystander, and perhaps requires (as deeper understandings of intrapersonal reconciliation did in Chapter 3) psychological intervention. Again, there are personal indicators as to why they might have chosen such a restrictive definition: Bizos has worked as a Senior Counsel representing victims at the Commission itself. Orr was a Commissioner on the Reparation and Recommendation Committee whose work before the Commission centred on alleviating suffering through HIV and AIDS programme. Reynolds worked within the Commission dealing with victim statements in the HRV committee. Their definitions focus on victims because they focused on victims.

¹⁶⁹ Given that the truth of the SATRC was that all sides tortured 'during the conflict of the past'. Tutu's Foreword to the SATRC report begins: "All South Africans know that our recent history is littered with some horrendous occurrences - the Sharpeville and Langa killings, the Soweto uprising, the Church Street bombing, Magoo's Bar, the Amanzimtoti Wimpy Bar bombing, the St James' Church killings, Boipatong and Sebokeng. We also knew about the deaths in detention of people such as Steve Biko, Neil Aggett, and others; necklacings, and the so-called 'black on black' violence on the East Rand and in KwaZulu Natal which arose from the rivalries between IFP and first the UDF and later the ANC. Our country is soaked in the blood of her children of all races and of all political persuasions" (Tutu in SATRC 1998, Vol 1, 1). As Chapman and Ball (2001) have argued, it is a delicate sleight of hand, giving all elements of conflicts and parties to the conflicts equal weighting as both victims and perpetrators.

Those who spoke about the second sub group of reconciliation as past orientated, reconciliation as not forgetting, tended, like Bizos, Goldstone, Orr and Reynolds, and in contrast to the other definitions above, to focus not mainly on the past itself, but rather to include not forgetting the past as part of a successful attempt to live in the present and into a reconciled or reconciling future. The main difference between the acceptance of Bizos, Goldstone, Orr and Reynolds and the remembering of Kariem Hoosain, Khoza Mgojo and Frederik Van Zyl Slabbert¹⁷⁰, is that Bizos, Goldstone, Orr and Reynolds do not stress the need to take the past with you into the future in order for reconciliation to be successful. Thus, both Mgojo (2008) and Hoosain (2008) said reconciliation was “forgiving not forgetting”. Forgiveness was also mentioned by Reynolds (2008), but he seemed to believe that once the truth of the past had been accepted, it could be left behind. In contrast, Van Zyl Slabbert (2008) explicitly rejected notions of forgiveness and argued rather that the past should not be forgotten while society continued to work for the future. These six definitions of reconciliation provided by Bizos (2008), Goldstone (2008), Hoosain (2008), Mgojo (2008), Orr (2008), Reynolds (2008), and Van Zyl Slabbert (2008) capture the idea of reconciliation as something which relates to the past but which is for the benefit of the future and which happens in the present. In so doing, it is, in some ways, transforming one to the other, the negative past into the positive future. This idea of ‘not forgetting’ is vague, and defies an easy placement along the three axes. It better defines what reconciliation is not than what reconciliation is, and seems more to be a reaction to an implicit, opposite, definition that suggests reconciliation is forgetting.

Reconciliation as peaceful coexistence

Peaceful coexistence ignores the past, it self-consciously avoids deep understandings of reconciliation, and for my interviewees, it was focused at a national, rather than an individual, level. People that mentioned peaceful coexistence tended not to reference understanding people, the past, or relationships and they only very rarely spoke in terms of religious understandings of reconciliation. It was generally viewed by those who offered it as a minimalist, achievable, sensible definition, and not associated with the sort of deep psychological processes or lasting friendships, which can be prominent in reconciliation definitions. In this way, it reflects the literature summarised in Chapter 3,

¹⁷⁰ Hoosain was the Commission’s finance director, Mgojo a Commissioner, and Van Zyl Slabbert was involved in the earliest creation of the Commission on the NGO side.

but it ignores the criticism of peaceful coexistence, that it permits a return to conflict more easily than thicker definitions of reconciliation.

Four out of five of my respondents who had worked for right wing political parties offered this sort of definition, Sheila Camerer,¹⁷¹ Ray Radue,¹⁷² Wynand Malan¹⁷³ and Chris de Jager¹⁷⁴. Notably, these four were closely involved with the Commission, Camerer prepared the legislation and made representations at the Commission, Radue elected the Commissioners, and Malan and de Jager were two of the Commissioners he elected. In contrast, I interviewed Dave Stewart, my final right wing respondent, because he was offered to me as an alternative when I requested an interview with FW de Klerk.¹⁷⁵ The number of right wing people working for or on the Commission was very low. My interviewees over represent them. The relationship between the right wing and the SATRC was not good. Indeed, de Jager eventually resigned and Malan offered a Minority Report as an addendum to the main Final Report. I would argue that it is very significant that these four all provided similar, minimal definitions, especially given that the two who worked on the Commission found their work so difficult. We will return to this later.

Radue described reconciliation simply as “peacemaking” (Radue 2008). Camerer gave the definition “settling down as one nation” (Camerer 2008) and, when asked how she visualised this, she remembered the long lines of people waiting to vote in the first election. For her, reconciliation involves a sort of peaceful coexistence with multi racial democracy; half the task was thus achieved before the SATRC was even at the preparatory legislation stage. My two right wing Commissioners, Malan of the NP and de Jager of the FF, both Afrikaners, gave very similar definitions, and were very explicit in their arguments that reconciliation had nothing at all to do with forgiveness or relationships or apologies, a suggestion which angered both. For example, in discussing the legacy of the Anglo Boer war and during which people claiming my nationality (British) incarcerated Malan’s grandmother in a concentration camp and shot at his

¹⁷¹ Right wing MP and member of the Justice Committee that debated the PNURA.

¹⁷² Right wing MP and Senator, and member of the Committee that appointed the Commissioners.

¹⁷³ Right wing MP and Commissioner.

¹⁷⁴ Perhaps a member of Eugene Terre Blanche’s AWB (see Boraine 2000a for discussion and Chapter 2 for history of AWB), definitely of right wing leanings and Commissioner.

¹⁷⁵ Stewart was a practised public relations executive and brought onto the FW de Klerk team in order to improve de Klerk’s public relations (Stewart 2008). His manner and the content of our interview are reflective of this.

grandfather,¹⁷⁶ Malan said “I have reconciled with your forbears. I haven’t forgiven them. No way I could. I can cope with your company” (Malan 2008) and went on to say that more than that was neither possible nor desirable.¹⁷⁷ Forgiveness and the ‘fluffy’ definitions were distinctly not part of reconciliation.

De Jager said reconciliation was “at least to get people to start at the future, a peaceful future, in which each and everyone would feel free to express opinions and to be treated equally” (de Jager 2008). Malan launched into the following definition with some enthusiasm: “reconciliation is simply the capacity of a group of people to live with each other, to tolerate, to manage their own affairs. It is not more than a capacity to live with each other” (Malan 2008). The strange thing about these definitions is that they sound very much like an idealised view of apartheid; the desire that all should be able to ‘manage their own affairs’ was key to apartheid, as was the idea of difference implicit in the need for toleration, and it was, of course, designed to allow different groups to live together without conflict. Advocate de Jager’s definition accords to his ideal of racial segregation, which he described to me through the analogy of groups of equal people with equal rights living in the same house with shared communal areas like the kitchen, and private bedrooms, in which one could do what one wishes.¹⁷⁸ His definition of reconciliation fits with his desire for racial segregation. The clash between their definitions of reconciliation and that offered by, for example, Asmal, is extreme. However, it should be noted that such definitions seem to be at peace with Rosenberg’s determination that perpetrators repent their ways; Malan and de Jager do not approve of the Commission of crimes in the name of apartheid, they simply do not see apartheid as a crime.¹⁷⁹

Peaceful coexistence allows a return to conflict because, in this case, peaceful coexistence is simply not killing each other. Malan and de Jager propose the sort of reconciliation embodied by the Rwandan genocidaire, Laurent,¹⁸⁰ from Chapter 3, who

¹⁷⁶ Malan would want me to point out that his grandfather shot back. He was very proud of the role his grandfather played in trying to defend the Afrikaner volk.

¹⁷⁷ Despite this rather hostile explanation of Anglo Boer relations, Malan was both kind and friendly during our interview, offering up advice on tourist destinations and demonstrating the best traditional Afrikaner manners. I think he can do rather more than ‘cope’ with British company, and would be ready to befriend a British person should the opportunity arise.

¹⁷⁸ A surprisingly beguiling explanation until one realises where the analogy ends.

¹⁷⁹ As opposed to the UN, who defined it as a crime against humanity (UN 1973)

¹⁸⁰ Note that I compare their *level of reconciliation* not their *crimes* to Laurent. Laurent is a murderer and they are politicians. Despite my own strong left wing, anti-apartheid bias, I have huge respect

avoided the family of his victims. Interestingly, it correlates well with Rosenberg's idea of reconciliation, where perpetrators stop perpetrating, although I suspect she would modify the definition she spoke at the conference to prevent this correlation were she to have realised this, to prevent such a correlation. This is the thinnest of all reconciliations, akin, as I noted in Chapter 3, to Galtung's negative peace and irreconcilable to the majority of conceptualisations offered by my interviewees. Yet two Commissioners and two people key in the creation of the Commission managed to maintain this conception of reconciliation despite working with others holding profoundly different conceptions for, in some cases, several years.

Four other people also mentioned types of peaceful coexistence, Paddy Clark, Max du Preez, Willie Hofmeyr, and Jayendra Naidoo¹⁸¹. However, where the definitions from the right wing were their primary conceptualisation of reconciliation, these other four were just *mentions*; additions or add ons to their central idea of reconciliation. As such, these definitions form a much less coherent group than those offered by my right wing respondents. For Hofmeyr, peaceful coexistence was a sort of safety net, the absolute minimum for which South Africa should aim at the national level, and which should rather be overreached by the efforts of a group of people at government level working for peace and democracy and which would trickle down to grass roots. Imagining this as the national level, he conceived of individual reconciliation and supported it from below. Peaceful coexistence was what would keep reconciliation going should interpersonal reconciliations fail. Jayendra Naidoo felt that reconciliation was about "not defeating, but agreeing with the oppressor that [South Africa needed] a new way forward, but without oppression" (J Naidoo 2008); essentially describing the negotiations process and a hope for non-violent politics in the future. Clark offered "not to agree about everything, but to live together without violence and antagonism" (Clark 2008). Du Preez talked about a "preparedness to be together" and "tolerance" (du Preez 2008).

for both Advocate de Jager and Mr. Malan, both of whom are moral people. Both enabled me to understand my prejudices about their politics better, and I thank both for this and their kindness.

¹⁸¹ Clark was Boraine's Personal Assistant throughout his time at the Commission and as such she was involved with it from 1993 onwards. Du Preez presented the *Special Report* and as such was part of the group of insiders who travelled with the Commission. Total journalistic objectivity was not always possible (nor perhaps wanted) in such an emotionally charged environment. See the last chapter of du Preez 2004. Hofmeyr worked on the drafting of the PNURA. Naidoo was a member of the committee appointing the Commissioners.

While three of the four also mentioned forgiveness, this tended to be separate to the peaceful coexistence, either as part of another level of reconciliation (Hofmeyr 2008) or a different angle (du Preez 2008) or as a prompted prerequisite for some people to realise peaceful coexistence and prevent bitterness (Clark 2008). Peaceful coexistence is not opposed to ‘softer’ definitions for them; it is just not necessarily related. Jayendra Naidoo perhaps explained it best “You will find, in the religious movements and others, this sort of warm and fuzzy empathetic approach to reconciliation ... but that’s not part of politics” (J Naidoo 2008). As he was giving me his reflections on reconciliation from a political viewpoint, with regard to his political career, he was not mentioning the forgiveness/relationship/psychological side of reconciliation. He did not disapprove of these; they were just not part of what he experienced. The others offered forgiveness as a definition but did not associate it as part of the peaceful coexistence definition. These latter four definitions seem more closely related to the comprehensive conceptualisations discussed in Chapter 3. Recall that Lederach and the *IDEA Reconciliation Handbook* included peace/peaceful coexistence as an element of their definition; Lederach as part of a meeting of concepts, and the *Handbook* as one of their stages, a place from which the society could evolve on their reconciliation journey. They also reflect the idea of civic trust from the ICTJ, while less deep or demanding than that conceptualisation, civic trust was intended to be a realistic government aim while the population got on with the business of life, including interpersonal reconciliation. Remembering that ‘apartheid’ means literally *separateness*¹⁸², it must be noted that these definitions, which acknowledge different levels and depths of reconciliation, are in stark contrast to the right wing conceptions of reconciliation as peaceful coexistence that permits a continuing apartheid mindset.

Reconciliation as understanding

The final of the big three themes is absolutely the sort of ‘fuzzy’ definition Jayendra Naidoo had in mind when dismissing the relevance of non political reconciliation to his, very political,¹⁸³ life. This is reconciliation as understanding another human being, normally in a deep and meaningful way, and which person is either part of the other (usually someone from a racial group other than that which one considers one’s own) or

¹⁸² After leaving South Africa, it occurred to me that I should have asked respondents what the opposite of reconciliation was – in a South African context I suspect many might have said ‘apartheid’.

¹⁸³ Involved in trade union politics and the struggle from an early age, it is to be regretted that Naidoo now works in business.

perhaps the former enemy. All the people who offered this definition were either women involved in human rights, or who had been involved in human rights, or male religious professionals, either Ministers or Professors of Religion¹⁸⁴. Five of the nine also mentioned forming relationships with the other/enemy as part of their definition; this is the closest relationship enjoyed by any two definitions. Generally, this is a theme of deep, personal, psychological change that opens one up to the potential of forming new relationships. We are at the deep end of reconciliation here, directly opposed in Chapter 3 to peaceful coexistence. People who used it avoided mentioning reconciliation to the truth, peaceful coexistence, democracy, non vengeance or making demands about morality. Even so, this, as with all the other themes, is extremely varied and some understanding definitions were noticeably solid, rather than ‘fluffy’.

The least ‘fluffy’ definition was provided by Madeline Fullard, and it is perhaps significant that while she works in the field of human rights, attempting to find the graves and recover the remains of those who were killed during apartheid, her department is within the National Prosecuting Authority, part of the South African legal system. She offered the following definition of reconciliation as achieved “through truth telling, to give people insight into the lives of others” (Fullard 2008). While she did not define reconciliation as being about relationships, she did rail against the racial divisions in South Africa and it is presumably not a coincidence that the café in which she chose to meet me was the only place I noticed white and black South Africans dining together during one of my interviews¹⁸⁵. For her, the largest problem for South Africa was racial segregation, and reconciliation was about solving that in a small way, allowing people to understand members of different racial groups as humans, people, individuals. This could be the first step on the road to integration. This returns to the links between empathy and interracial harmony discussed in Chapter 3. Fullard wants South Africans to understand that ‘the other’ was also ‘the potential relationship’ rather than ‘the potential danger’.

Charles Villa Vicencio¹⁸⁶, whose published work on reconciliation was discussed in Chapter 3, admitted the existence of a multitude of reconciliations, including the very

¹⁸⁴ Notably, I had only one female religious professional and no male human rights professionals excepting those who were also lawyers. I had no female lawyers.

¹⁸⁵ It was perhaps one of ten places where I noticed ‘mixed’ couples during three months in South Africa.

¹⁸⁶ The SATRC’s Research Director.

religious model adopted by Kairos, for which creation he was partly responsible, but stressed that the relevant definition was ‘political reconciliation’. He would probably, as any academic, prefer that his conceptualisation of reconciliation was read in its entirety, and we spent around a third of the interview discussing it in some detail, but it is, in summary “when we begin to endeavour, to engage, to encounter each other ... It’s a level of integration” (Villa Vicencio 2008) when we “come together to the extent that we respect each other” (Ibid). This is based on the idea of understanding the other, recognising the individual as an individual but of a group and as a product of that group, a culture, a history. He explained it in terms of the Zulu greeting ‘Sawubona’, which literally means ‘I see you’ but means also that you recognise, accept, know, understand a person; you see them as they are. It is this sort of awareness and understanding that is the basis of the integration and that together form his conceptualisation of reconciliation as discussed in Chapter 3 and described as being a half way house between thick and thin, with requirements of understanding, truth and links to empathy.

Mary Burton (2008) offered a similar definition of Villa Vicencio (2008) and Fullard (2008). More important for her than the idea of reconciliation to truth which we discussed earlier and distinctly separate to it, Burton argued reconciliation was a sort of empathetic understanding of the other which involved a deeper communication than was possible with employees¹⁸⁷; reconciliation was, she said “impossible to have if your only understanding is what your domestic workers communicate” (Burton 2008). Again, this is a deep understanding of the other that reaches across racial barriers to find the person within the other, it is also closely linked to idea of empathy discussed in Chapter 3.

Marcella Naidoo offered a very specific understanding of reconciliation, arguing that it related to different communities being able to understand each other, but more forcefully that it tended to be “trying to get white people to feel good about us as black people” (M Naidoo 2008). Perhaps this is a ground level view of civic trust, or perhaps it relates to empathy; elements of both are present. White people must learn to trust black people to run the country¹⁸⁸; this could be seen as civic trust. The ‘feeling good’ is difficult to interpret; it might mean not believing that every black person is going to

¹⁸⁷ The only communication the majority of white South Africans enjoy with black South Africans.

¹⁸⁸ Not exclusively, but in the main. There are considerably more black than white people in South Africa.

harm every white person. It is perhaps most closely related to the literature through empathetic racial harmony ideas; agreeing with Fullard, Naidoo wants it to stop being 'us' and 'them' and become 'South Africa'.

Marjorie Jobson and Ginn Fourie offered perhaps the deepest, most heartfelt, understandings of reconciliation. I interviewed both because of their work for human rights groups working for reconciliation and survivors¹⁸⁹ rights. Jobson is Executive Director of Khulumani, a survivor support group, previously worked for the Black Sash, and was nominated as a Commissioner. Fourie runs the Lyndi Fourie Foundation, a charity working for conciliation and the rehabilitation of perpetrators. Fourie set up the foundation as a response to the death of her daughter, for whom it is named. Lyndi Fourie was killed by the APLA attack on the Heidelberg Tavern. Letlapa Mphahlele, who ordered the attack on the Tavern, now works with Fourie at the Foundation, and together they travel globally as ambassadors of conciliation¹⁹⁰. We will look first at Fourie's definition and then return to Marjorie Jobson.

Crucially, for Fourie, reconciliation is poorly named for its role in South Africa. She was mentioned in Chapter 3 because of her criticism of *reconciliation* as requiring a former relationship. She reiterated this in our interview: In a country where the enemy is not simply opposed to one in ideology, but profoundly other, where, depending on which version of early Cape Dutch history you believe, between 300¹⁹¹ and 50,000¹⁹² years have passed since white people and black people considered each other friend, or even fully human, to speak of a re-conciliation, is, she argues, ridiculous. It has been so long since South Africans were one group, rather than many, that to speak of a return, as 're' does, is irrelevant. Ginn Fourie did not meet Mphahlele until well after he had ordered her daughter's killing. He did not even truly order Lyndi Fourie's death, just the killing of a random white person in a randomly chosen, bar. There was no pre-

¹⁸⁹ Normally, I have used the term victim to denote those who suffered under apartheid, in line with the SATRC itself and much of the literature. Out of respect to the wishes of both Jobson and Fourie, here I use the term 'survivor' which they feel better reflects the status of those who actively survived the worst horrors of the apartheid era.

¹⁹⁰ It is for this reason that I requested an interview with Ginn Fourie: she very much wants to get her message of the importance of conciliation across. I was also reluctant to request an interview with Jobson, common room gossip had suggested that Khulumani victims have been ill treated by some of the researchers who see them as a resource, not people and that as a class, academics were unwelcome. I was wrong.

¹⁹¹ Potentially early inter racial relations were not entirely negative (Gilomee 2004, Malan 1990)

¹⁹² When some humans left Africa for the north and Europe, eventually becoming pale skinned, probably because the poor Northern sunshine meant they did not absorb enough Vitamin D (Klein 1999)

existing relationship, just one created by an order given. Fourie thus rejects the term 'reconciliation', which for her means, "becoming friends again" (Fourie 2008), in relation to South Africa. She prefers conciliation, which she feels accurately reflects that there was "no friendship to restore" (Ibid). Conciliation is a "response to forgiveness" which she illustrated through the creation of her relationship with Mphahlele. It is "a continuing dialogue ... a gratitude in the way that forgiveness liberated him and restored his humanity ... and his response has liberated me", "an adventure into the soul of each other", about "love, understanding, forgiveness" (Ibid). Fourie's understanding of conciliation is intensely personal because of her history, but while she experienced conciliation as part of a survivor-perpetrator dyad, her definition is available to everyone; what it requires is an openness to and efforts towards understanding and coming together across the old apartheid lines (Ibid). Conciliation is open to all who are prepared to work for it, but it is a process into which effort must be put. It is a thick, psychological process that takes time and hard work and which requires the assistance of 'the other', for without them, there is no relationship on which to embark.

Marjorie Jobson's definition is equally demanding. She argues reconciliation is "about creating spaces where South Africans become truly free to listen to each others' stories and to find out how they are all entangled ... we'd find out we've all been guilty ... we would start to build a society based on acknowledgement ... create a completely different public culture that acknowledges that every human being has a unique, worthwhile story ... constructing more of a sense of obligation than we carry" (Jobson 2008). Her lengthy definition is based around the idea of storytelling leading to mutual understanding, which is very much in the spirit of Khulumani, the group she heads, whose members meet regularly to tell their stories. This in turn was heavily influenced by SATRC methodology. For Jobson, reconciliation works through the storytelling and the understanding and empathy it invokes. A reconciled South Africa would value all and their story, allowing further changes in South African individuals' relationships. This is in some ways similar to Villa Vicencio's ideas about encountering the other discussed above, the encounter here being promoted through storytelling and thus providing a basis for the understanding of the person as a product of their history and culture in Villa Vicencio's terms, or story, in Jobson's terms. Jobson's definition feels deeper than Villa Vicencio's because of her explanations of the implications of the

reconciliatory storytelling and her requirements of safe spaces and universal guilt. As with all the understanding the person definitions, reconciliation here is open to all, but, for her, very much inspired by a survivor centred worldview. Jobson's reconciliation is, again, deep, focused at the interpersonal level, although directed at as many as are willing to become involved and thus linked to national level reconciliation, and requires many prerequisites. She needs a listening public, a truth telling public, a non judgemental public, acknowledgement, inter-racial respect and humility. How all this is to be realised is not apparent from the definition.¹⁹³

Lavinia Browne¹⁹⁴ (2008) gave one of the most clearly structured mechanisms of all my interviewees. For her, reconciliation was a process with the following structure, starting with the *status quo* of regarding fellow South Africans as other. From this negative perspective, and as a result of gaining truth, knowledge or realising a fact as undeniable, a person moves to understanding the other as a fellow human being, then to trust, then to the possibility of cooperation, and finally to a sort of ideal final state of reconciliation "where there is respect for each other ... perhaps we can become brothers and sisters ... bond together for the good of each other" (Browne 2008). While she labelled the end state reconciliation, the entire process (understanding, trust and cooperation) was also reconciliation, operationalising the idea common in the literature and commended by the SATRC of reconciliation as both process and goal. Again, this definition speaks to thick understandings of reconciliation at the interpersonal level and operationalised nationally, and involve a formidable set of prerequisites, including trust, time, truth, and empathy.

My two final definitions speak of reconciliation as requiring a relationship that facilitates understanding. For Vido Nyobole¹⁹⁵, reconciliation was "about bringing people with different perspectives, views, ideologies together in order for them to be able to talk openly together ... to find one another" (Nyobole 2008), the key being the finding of another. He offered the analogy of our interview, noting that in a short 40-minute meeting a little bit of each of us had rubbed off on the other, and arguing that as a result we understood each other a little better, our worlds had come a step closer.

¹⁹³ In fairness, it is not a question I asked.

¹⁹⁴ Tutu's personal assistant for many years.

¹⁹⁵ Nyobole managed the East London office of the SATRC.

Mgojo's¹⁹⁶ definition was similar: "when two parties have been at odds, they can talk it out and then they mend. They must say what is in their hearts; if they are angry, they need to say that, to understand each other. You have to understand the harm you have done". (Mgojo 2008) Both definitions are limited in the applicability; they are very specifically based on a victim perpetrator dyad, yet they ignore the criticism implicit in Blake's poem, that perhaps it is not immediately possible to speak to one's enemy. In contrast to the other definitions involving understanding the other, they specify understanding as part of a real relationship, requiring the encounter to facilitate the understanding, rather than the understanding allowing the relationship.

Conclusions so far

The first three themes we covered, reconciliation relating to the past, reconciliation as peaceful coexistence, and reconciliation as understanding the other, received around half of the mentions of the ten themes identified within respondent's definitions of reconciliation. They are the most common ideas about the definition of reconciliation. There are large differences both within and between these three themes. In comparing the secular, minimalist, thin and national level definitions given by Wynand Malan (2008) and Chris de Jager (2008) of peaceful coexistence with the religiously inspired, maximal, deep and interpersonally focused definition of understanding the other through forming relationships offered by Vido Nyobole (2008) and Khoza Mgojo (2008), we have perhaps found the widest gap between any two sets of definitions. It is notable that these four men all worked for the SATRC, three as Commissioners and one as head of a regional office. Equally, in comparing the definition that Madeline Fullard (2008) gave of reconciliation as understanding the other with the definition given by Marjorie Jobson (2008) involving story telling and profound changes of public culture we notice a large difference even within a theme. Where Jobson's involves a series of prerequisites, running along the 'components of reconciliation' axis, Fullard's offers little in the way of guidance as to how reconciliation should be achieved. Jobson's is a thick definition, Fullard's relatively thin.

It is apparent that, to an extent, a person's definition of reconciliation is greatly informed by their personal experience. Thus, the Director of Khulumani promotes a definition of reconciliation involving storytelling, ministers of religion promote

¹⁹⁶ Mgojo was a Commissioner.

religious understandings, those who experience South Africa as a post Anglo Boer war state echo reconciliation as they understand it through the experience of that war, those who work in human rights tend to emphasise the human in the reconciliation, and so on. This personalisation of reconciliation continues through the rest of the definitions discussed in this chapter. There is no consensus on even one of the axes identified during Chapter Three; not at what level of reconciliation should be posited, not what depth of reconciliation is 'true' reconciliation nor what the prerequisites for reconciliation are. There is perhaps greater divergence between my interviewees' reconciliation than reconciliation as discussed in the literature, where I sincerely doubt one would commonly find reconciliation as apartheid.

Uncommon definitions

This disjunction between and within themes and the reliance on personal experience for definitions of reconciliation are going to continue to be prominent as we look at the remaining seven themes:

- reconciliation as relationship building;
- reconciliation as forgiveness;
- reconciliation as religiously inspired;
- reconciliation as focused on the future or the present;
- reconciliation as opposed to revenge;
- reconciliation as understanding a moral universe; and
- reconciliation as healing.

As will be apparent, we have already encountered all of these themes in the definitions already covered, but they all require further attention.

Reconciliation as relationship building

The first of these is reconciliation as building relationships. Of the seven people that mentioned this in their definition, we have already mentioned five, Lavinia Browne, Ginn Fourie, Marjorie Jobson, Vido Nyobole and Charles Villa Vicencio, all of whom also mentioned understanding the other. As discussed in that section, to an extent all the 'understanding the other' definitions related to relationships, generally with relationships and understanding in a causal relationship. Indeed, while Madeline Fullard, Khoza Mgojo, Mary Burton and Marcella Naidoo did not explicitly mention

relationships in their definitions, all spoke of the need for meaningful relationships in a reconciled South Africa. Conversely, two people, Albie Sachs¹⁹⁷ and Dave Stewart¹⁹⁸, spoke in terms of relationships as reconciliation and implied understanding. Sachs spoke of reconciliation as a “new relationship being established” (Sachs 2008) and Stewart (2008) of “bringing together those who have been parted”. The difference between these definitions is that Sachs conceives of reconciliation as a new relationship whereas Stewart conceives of it as an old, but interrupted, relationship. To note this is to return to the sculpture in Coventry Cathedral from Chapter 3 and, from this chapter, Fourie’s insistence that the term reconciliation is inappropriate in South Africa where the majority of relationships required for South Africa to be reconciled must be new because currently no such relationships exist. Stewart, Nyobole, and Mgojo all speak to the understanding of reconciliation that I described in Chapter 3 as commonly found in societies without conflict, where for most people the exemplar must be an estranged friendship rather than any kind of conflict created non-relationship.

Sachs, Jobson, Browne, Fourie, Villa Vicencio, Burton, Fullard and Marcella Naidoo all speak more (but not exclusively) to a new relationship and concentrate on methods to facilitate these new relationships. This difference is critical, as a short anecdote from my fieldwork illustrates, to require pre-existing relationships in South Africa’s divided society is to make this definition of reconciliation functionally meaningless to a vast majority of South Africans:

Khoza Mgojo lives in a beautifully kept township on a beautiful street in a beautiful house and is, unusually for black South Africans, the economic equal of many white people. However, the many white locals from whom I solicited advice on how to get to his home for the interview either had no idea or simply told me I could not go. The thing that frightened them was that Mgojo lived in a *township*¹⁹⁹. The majority, including the owners of my hotel, had never been to the township, which eventually turned out to be a short five-minute car journey away from the centre of town. White people locally do not know it is a lovely, clean township, with an amazing view over

¹⁹⁷ Sachs was instrumental in creating the Commission. See Chapter 4.

¹⁹⁸ One of FW de Klerk’s longstanding friends and senior colleagues.

¹⁹⁹ See Chapter 2 for an explanation of townships, their origin and purpose.

tree-covered hills to the sea, where tidy schoolchildren play games in a small playground with freshly painted markings. They have never been there²⁰⁰.

When even well heeled, well educated black people who live in very nice, seemingly very safe, townships are cut off from the majority of white people, defining reconciliation as requiring relationships means that reconciliation can no longer be said to be open to all because of the pre-existing divisions²⁰¹. It is rather about specific encounters, a one to one reconciliation that then presumably must be repeated over and over until one is reconciled with all the relationships one wants or needs. The relationship is the necessary condition for understanding, rather than, as with the other understanding centred definitions that place understanding as the necessary condition for the relationship. Those who only reference relationships do not, of course, speak of understanding and relationships as causal directly, although, as I said earlier, I think both Stewart and Sachs would be happy to admit that relationship implies understanding between the parties involved.

It is notable that so few people referenced relationship as central to their definition of reconciliation. This is perhaps a reaction to the apparent focus of the SATRC on relationships between victims and perpetrators. Where my interviewees mentioned relationships, they tended to focus on an openness towards future relationships rather than actual relationships. Further, they have moved away from the notion of repair which was discussed in Chapter 3, and, following Krog (1999) Fourie (2000), and Dugan (2003), bring in the idea of create. The relationship section of this chapter might be expected to be full of perpetrator – victim dyads who have overcome the victimisation that bonds them, formed a positive relationship, and gone off into the sunset. Such dyads are noticeable in their absence; we have only the exceptional description of Ginn Fourie and Letlapa Mphahlele who are most certainly not basking in any kind of reconciliatory glow, but rather treading a fine line of understanding, constantly trying to keep their reconciliation together. Neither did anyone mention

²⁰⁰ Mgojo's township is, I suspect, unusual and his lovely house is definitely the exception, not the rule. Government provided houses in townships, while commonly well kept, neat and clean, are small and poorly constructed.

²⁰¹ Another anecdote: a (black) friend moved out of a township and into a 'white' neighbourhood with her mother in 1995. The neighbours threw eggs and complained about the smell of their food. They stayed, and survived. My friend's mother remains in that house and still does not know the names of her next door neighbours who continue to shun her. White people do not go to townships. Some white people would prefer if black people did not leave them.

Mandela's relationship with FW de Klerk or his ability to make friendships across racial lines; perhaps he is too high an ideal for which to aim in a definition. Those who spoke of reconciliation as relationship were tentative and speculative, rather than being concrete, they were a hope for the future. Those who looked at reconciliation as relationship creation were aware that their definition was thick, and had an uncertain or complicated mechanism. We will return later to the lack of emphasis placed on relationships and the delicacy of tread when they were mentioned.

Reconciliation as forgiveness

Forgiveness was also relatively uncommon with only seven out of thirty-three people mentioning it. Three people mentioned forgiveness with regard to reconciling oneself to the past: Kariem Hoosain, Khoza Mgojo and Peter Reynolds. As discussed in that section, Mgojo (2008) and Hoosain (2008) both said reconciliation was to "forgive and forget" and Reynolds (2008) said forgiveness allow one to accept the past. Piet Meiring (2008) would have been furious. Forgive and forget, he said, "was not even biblical" (Ibid), which to him was both statement of fact and insult. Sachs rejected forgiveness because it did not reflect the new relationship with which he defined reconciliation. Wynand Malan (2008) rejected forgiveness as irrelevant, explaining this through his relationship to the English a hundred years after the Anglo Boer war. Madeline Fullard (2008) and Wendy Watson (2008) explicitly said reconciliation was not about forgiveness. Charles Villa Vicencio (2008) defined his political reconciliation in direct opposition to forgive and forget. More of my interviewees might also have rejected forgiveness were I to have asked them about it explicitly, particularly given its availability in the popular discourse surrounding reconciliation.

Forgiveness is a very controversial addition to any definition of reconciliation, but for some it is central. Fourie (2008) argued forgiveness was what allowed her conciliation with Mphahlele. Paddy Clark (2008) felt that without forgiveness, feelings of bitterness could interrupt peaceful coexistence. Willie Hofmeyr (2008), less certainly, suggested forgiveness was an ideal that might, with luck, be possible. Max du Preez offered just the word 'forgiveness' as a definition in and of itself. As with the literature discussed in Chapter 3, forgiveness in South African's definitions was controversial.

Reconciliation as non-vengeance

Perhaps because of this controversy, some people chose to speak not of forgiveness, but of non-vengeance and associated words and ideas. The relationship between the ideas of non-vengeance and forgiveness might be one between deed and thought. If one forgives, one will not seek vengeance. However, one can perfectly well neither seek vengeance nor offer forgiveness. This difference means that I have kept them as two separate categories. Five people mentioned non-vengeance: Sheila Camera (2008), George Bizos (2008), Bongani Finca (2008), Richard Goldstone (2008) and Piet Meiring (2008). Goldstone and Bizos²⁰², both from the legal profession, offered an approach reflecting this, arguing reconciliation was about putting the desire for revenge behind oneself in order that society can move into the future without violent interruption. Goldstone said it was about “allowing people with good reason to hate and want revenge to put it behind them and go into the future together” (Goldstone 2008), Bizos “an acceptance that wrong was done but for the public good you will suppress personal dissatisfaction and get on with life” (Bizos 2008). This is more or less an argument for amnesty, but from a victim’s point of view. The past must be put to bed in order that the future can be good; amnesty is the national, legal, top down approach to this, non-vengeance is the individual, personal, bottom up approach. Bizos (2008) and Goldstone (2008) took the latter, Camerer (2008) the former, explicitly identifying reconciliation with amnesty when I asked her for examples to flesh out her definition. Of course, one can wish for all the vengeance in the world and yet one’s perpetrator can receive amnesty, one can even act in a vengeful way, but an amnesty prevents legal revenge. Not all my non-vengeance definitions feel so closely related to amnesty; the two ministers of religion spoke in slightly different terms. Finca (2008) expressed non-vengeance as a morally superior response to victimisation, closely related to religion, and Meiring, who said “the last words of Psalm 85 form an almost perfect definition of reconciliation²⁰³” (Meiring 2008) and thus referenced mercy. These are not as obviously related to amnesty, although the link remains. Legal punishment is revenge. Amnesty is legal mercy, legal non-vengeance.

²⁰² Goldstone and Bizos helped draft the PNURA. Bizos acted as Counsel to those who wished dispute perpetrators’ claims for amnesty.

²⁰³ The relevant passage reads: “Mercy and truth are met together; righteousness and peace have kissed each other” Psalms 85, 10. As discussed below, it is this passage on which Lederach (1997) founds his conceptualisation of reconciliation.

Forgiveness, as something that happens inside a mind, a psychological process, is not quite amnesty. It is more than simply not enacting revenge. Forgiveness is a hugely laden term that is bound up in psychology and moral and religious obligation, baggage which non-vengeance does not carry. Nonetheless, the OED, confident in its certainties and without fuss, defines the verb to forgive as “To remit (a debt); to give up resentment or claim to requital for, pardon (an offence)” (OED 2009). Despite its baggage, the definition of forgive relates it strongly to amnesty, through the notion of pardoning an offence. Seven people mentioned forgiveness and five non-vengeance, thus a total of twelve people inexplicitly linked reconciliation to amnesty. While I said earlier that forgiveness was surprisingly uncommon, inexplicit references to amnesty are the second most common definition.

Both forgiveness and non-vengeance are for victims to act upon, rather than perpetrators. While the former is deep and the latter more shallow, as discussed in Chapter 3, both make considerable demands of victims. The victims in question can either be of legal apartheid (as per Asmal) or illegal apartheid (as per Rosenberg), but in placing the burden of reconciliation on victims a considerable difference is apparent between definitions of reconciliation as forgiveness or non-vengeance as conceived of as a perpetrator centred event as Rosenberg and Asmal do. The victim is no longer passive and has control over reconciliation, it is their decision how to feel about or act towards perpetrators (of either variety). On the other hand, it places the responsibility for reconciliation, which is largely seen as a force for good, on the shoulders of victims. If South Africa is not reconciled, this conception of reconciliation says, it is all the fault of the victims; why can they not forgive/not seek vengeance for the good of the nation?

Reconciliation as religiously inspired

This idea of responsibility is echoed in some of the definitions offered as explicitly religious. Piet Meiring’s anger at the idea that ‘forgive and forget’ was biblical was partly based on the importance of interpreting the Bible correctly and partly on the idea that it makes ‘forgive and forget’ an imperative; if it is biblical, to be a good Christian one must do both, an idea which Meiring refutes. Of course, he did go on to argue that the end of Psalm 85 is a true definition of reconciliation. Its most common phrasing runs “Mercy and truth have met; righteousness and peace have kissed each other” (Psalms 85, 10), although mercy is sometimes replaced by lovingkindness or kindness,

truth with faith and righteousness with justice. Meiring came to his interpretation of reconciliation independently of Lederach, whose work made this interpretation well known. Psalm 85 is generally understood to be about reconciling oneself to God, and Meiring models individual reconciliation on this. Similarly, Ginn Fourie said that her “forgiveness was role-modelled by the Gospel [and Christ] who modelled forgiving perpetrators while dying on the cross” (Fourie 2008). Both Fourie’s (2008) and Meiring’s (2008) definitions place some responsibility on good Christians to attempt to reconcile, it is argued by them to be a way of following Christian teaching. Both are also determined that reconciliation is not restricted to Christians or Christian understandings. Fourie points out that Mphahlele is not religious, that reconciliation is “nothing to do with religious convictions, [but] to do with acceptance of each other as spiritual beings” (Fourie 2008).

In contrast, my two religious ministers who directly referenced religious understandings were more proprietorial. Both expressed the idea that reconciliation was in some way ‘owned’ by religions. For Vido Nyobole, reconciliation was “only made possible through Christ who brought us together” (Nyobole 2008) and was modelled on reconciliation with God. He spoke of reconciliation as something that God gave us, and was always giving us, but to which we had to open ourselves. Khoza Mgojo said that there was no possibility of understanding reconciliation without appealing to religion, that reconciliation was “a very theological term, in fact” (Mgojo 2008). The prefacing of their definitions with such strictly demanding explanations means that those, who like Madeline Fullard (2008), for example, explicitly reject Christian understandings of reconciliation, or Chris de Jager (2008) and Wynand Malan (2008) who argue for a separation of religious and secular understandings of reconciliation, will presumably never come to hear the definitions themselves, which seemed to me to be entirely comprehensible from a secular viewpoint.

Bongani Finca²⁰⁴ (2008), who is ordained, but currently working for the Independent Electoral Commission, trod a middle road between the ownership expressed by Mgojo (2008) and Nyobole (2008) and the openness of Meiring (2008) and Fourie (2008). He explained that because of his religious background, he understood reconciliation primarily through what he called his Judeo Christian heritage, that reconciliation was a

²⁰⁴ A Commissioner.

sort of central theme within that heritage (Finca 2008). However, this was very much an explanation of how he thought about reconciliation, rather than how he spoke about it, which was more in terms of talking through a problem, forming a relationship and avoiding revenge.

Religious understandings of reconciliation were central to the message that the SATRC projected, but only five people defined reconciliation for me in religious terms. None of those five was involved in the creation of the Commission. Other interviewees did mention their religious convictions during the interview, but not directly in relation to defining or understanding reconciliation. Even those who did define reconciliation through a religious prism provided definitions that seemed just as useful in a secular sense as they were in the religious.

Reconciliation as focused on the future/present

At the very beginning of the discussion of my interviewees' definitions of reconciliation was the section on reconciliation as relating to the past. During that section, I suggested that the definitions of George Bizos, Kariem Hoosain, Khoza Mgojo, Wendy Orr, Peter Reynolds, and Frederik Van Zyl Slabbert captured the idea of reconciliation as something which relates to the past but which is for the benefit of the future and which happens in the present. This, I argued, was seeing reconciliation as transformative; it allowed a negative past to become a positive future. The definitions that referenced reconciliation as future focused share this idea of a transformative reconciliation. Five people mentioned this, Frederik Van Zyl Slabbert (2008) and George Bizos (2008) who referenced reconciliation to the truth of the past, and Enver Daniels (2008), Richard Goldstone (2008), and Jayendra Naidoo (2008), who did not. For a reconciled South Africa, Bizos wanted people to "get on with life" (Bizos 2008), Goldstone for South Africa to "go into the future together" (Goldstone 2008) and Jayendra Naidoo wanted to find a "new way forward, but without oppression" (J Naidoo 2008). Enver Daniels defined reconciliation solely as "accepting change ... coming to terms with the new order, the new way of life" (Daniels 2008). Van Zyl Slabbert similarly emphasised the effort necessary in going forward as "working together for the future" (Van Zyl Slabbert). These references to the future provide an explanation of why one needs both with reconciliation. Just as some of the religious definitions give Christianity as a reason to reconcile, these definitions offer a better future. Reynolds described

reconciliation thus “It’s not nice; not happiness, euphoria or serenity... and it can be ugly and painful and it doesn’t look nice. At the end it does, but at the beginning it doesn’t. It’s too painful to face, so some ignore it. But in the end, it’s for the best, but it begins with greater pain than the status quo” (Reynolds 2008). The pain he describes can only be justified in terms of a better future, reconciliation is undergoing that pain in the present in order that the future be better.

Reconciliation as Healing

Peter Reynolds²⁰⁵ (2008) referenced the unpleasantness by adopting the healing metaphor prominent in Archbishop Tutu’s speech. South Africa, he said, had “festering wounds” (Reynolds 2008) and reconciliation comprised their healing. This for him seemed to be open to all South Africans, but focused most closely on victims. It also offered up the possibility of national healing; healing the divisions between black and white South Africans. At the interpersonal level, Brigalia Bam²⁰⁶ simply defined reconciliation as “healing for victims”. Khoza Mgojo²⁰⁷ talked about the need for people who had hurt in their hearts to mend. This idea of healing has strong links to the idea that truth would heal victims and the SATRC’s “Revealing is healing” posters. Wendy Orr²⁰⁸ (2008), a medical doctor, said she strongly disliked these clinical metaphors and objected to their inclusion in the discourse. Her lack of comfort was in the suggestion that reconciliation was as easy and as simple as medical healing; that psychological healing would automatically follow from truth telling. Even a relatively common definition of reconciliation, which has strong links with Orr’s idea of reconciliation as preventing victims from obsessing over their hurt, causes conflict, in this case between two Commissioners, a Commission insider, and a Commission creator. Orr, who worked first hand with victims throughout her time at the Commission was not prepared to suggest that reconciliation in terms of the Commission could be as deep as healing suggested; she felt that the prerequisites thick definitions of reconciliation demanded? were more than the Commission could give. She objected further to the slippage warned against by Hamber and Wilson (2002), where the nation is imagined to heal in the same way as the person, which Reynolds, above, argued was possible. Reconciliation as healing, the first definition discussed in Chapter 3, would be

²⁰⁵ A statement taker and staff member at the HRVC

²⁰⁶ A member of the Committee who appointed the Commissioners

²⁰⁷ Commissioner

²⁰⁸ Commissioner

thought to exist at different levels and thicknesses, requiring different prerequisites, depending upon to which of my interviews one listens.

Reconciliation as a morality lesson

Potentially even more conflictual is the idea of reconciliation as accepting a new moral universe. This is obviously related to learning the truth of the past, but definitions in that section tended to posit truth as the fact of an event. These definitions rather suggest, as Asmal's did, that what needs to be accepted is a moral interpretation of those facts. Those who defined reconciliation like this tended to be of the legal profession. All were people involved in creating the SATRC, and all my ANC active interviewees mentioned this element. Jayendra Naidoo (2008) said reconciliation was "a defeat for the ideas of apartheid"; a final proof that it was immoral. Enver Daniels²⁰⁹ (2008) said that the most important part of reconciliation was that South Africa needed to "accommodate the privileged and align them with the oppressed". Albie Sachs (2008), as discussed in the last chapter, envisioned the SATRC as a way of showing that his struggle to end apartheid was morally correct, said that reconciliation was "agreeing to meet on common moral ground and accept the consequences of that". This is very much reconciliation as political weapon, once people are reconciled, apartheid will be dead and the Freedom Charter will flourish. Contrasting with this is the way that reconciliation was defined by Commissioners Wynand Malan (2008) and Chris de Jager (2008), who both conceptualised reconciliation as fitting with their own ideals of racial segregation. This highlights how polarised the meaning of reconciliation has become. All five men agree that they are happy to work towards reconciliation, my three ANC respondents can (and did) work hard to set up the Truth and Reconciliation Commission, my two right wing Commissioners can (and did) work hard within the Truth and Reconciliation Commission, but they are all working for different ideas of reconciliation, incommensurable ideas, irreconcilable ideas. Advocate de Jager (2008) still firmly believes in a divided South Africa, a Volkstaat, and he feels that reconciliation should be part of that, and yet he was interviewed for the role of Commissioner by Jayendra Naidoo, who believes reconciliation means ending the idea of apartheid as a moral good. The two conceptualisations of reconciliation here are not just contested, they live in totally different universes.

²⁰⁹ Who wrote the legislation

Conclusions

Nelson Mandela was widely discussed in the last chapter as an inspiration to the atmosphere of reconciliation that abounded during the mid 1990s in South Africa. In his autobiography, Mandela said this was deliberate (Mandela 1995a, 744-5). I doubt whether we will ever find out if he deliberately tailored his message to encompass the majority of reconciliation's conceptual terrain, but he did tailor some messages to suit the group to whom he spoke (Ibid, 736). Willie Hofmeyr (2008), a former MP, said that he thought Mandela had enjoyed good advice on reconciliation; perhaps an unnamed advisor realised Mandela's acts of reconciliation had to make sense as acts of reconciliation throughout the country. Mandela is perhaps the only thing that unites South Africans views of reconciliation. Faizel Randera told me "South Africans are continuing to live in our silos" (Randera 2008). It is unfortunate that reconciliation is staying inside those silos too. Respondents acknowledged that their definition of reconciliation is unique to them, that there are different definitions of reconciliation available in the discourse. What they do not seem to realise is how different these definitions of reconciliation are, and what the implications of those differences might be.

We have some common themes, and this chapter has reviewed them. However, within those themes we have major differences, running along the axes described in Chapter 3. To look only at Commissioners: at the thinnest end, we have the peaceful coexistence as described by Malan and de Jager, both of whom addressed their reconciliation to the national level. Orr provided a definition of reconciliation as beginning to permit people to move on from terrible trauma; her knowledge of victims' pain meant she felt more was not possible. Randera talked about reconciliation as acknowledging that all sides had committed violations in the past; he focused on a much wider reconciliation than Orr, more akin to Malan and de Jager in this respect, but where they seemed to envision no prerequisites, Randera wants South Africa to accept that all are guilty, presumably because this means that South Africans will treat each other differently once they understand this. Deeper definitions were provided by Burton, Mgojo and Finca, Burton focusing on empathetic understandings of the other, possibly facilitated by reconciliation to the truth of the past and Mgojo whose conceptualisation of reconciliation was deeply underscored by his faith in God, also wanted relationships

formed on the basis of truth, but where Burton focused at the national level, as facilitating understanding of the other as a group of individuals, Mgojo looked to interpersonal reconciliation founded on forgiveness. Finca, again from a religious perspective, refused the idea of forgiveness in favour of non vengeance, but agreed with the Mgojo's conception of reconciliation as based at the interpersonal level. These six people shared the same job title, but their conceptions of reconciliation were very different. From Chapter 3, we can say that different conceptions of reconciliation require different behaviours; a Commission aimed at the thin end of reconciliation as described by Orr would be very different to one aiming to promote forgiveness. I cannot imagine that de Jager and Malan's reconciliation needed a Commission of Truth and Reconciliation at all; their coexistence seems solely to require high fences.

Lawyers, who made up the large part of those involved in legislating for the Commission and who, as we will see in Chapter 6, argued that they had never intended the Commission to conduct reconciliation, avoided 'fluffy', emotional understandings of reconciliation. Within this, ANC party stalwarts Sachs, J. Naidoo, and Daniels stressed a common approach to morality, where the ANC was finally understood to have been right. Old NP Parliamentarians Camerer and Radue both talked about peaceful coexistence. Of the ten people I interviewed who helped to create the Commission, either through drafting the legislation or appointing the Commissioners, only two (Hofmeyr and Sachs) talked about the 'soft' concepts of relationship, understanding, religion or forgiveness. Probably seeing themselves as pragmatic realists, those who created the Commission, even if they had intended the Commission to conduct reconciliation, could not have intended it to conduct 'fluffy' emotional reconciliation centred on victim-perpetrator dyads because that is not how they conceptualised reconciliation. It is unsurprising that Commission insiders complain their Commission was not equipped to reconcile; those who created the Commission could not have imagined that the Commission would ever be used to attempt reconciliation at such thickness or between individuals.

Outside the Commission, the two women to whom I spoke about survivor/victim understandings of reconciliation offered the thickest definitions, each uniquely informed by her personal reconciliation process. Fourie explained how conciliation had enabled her to form a relationship with the man who ordered her child's death. With no

relationship to restore, she worked to forgive and understand him, and he worked to forgive and understand her. With her, she carried a textbook for learners of Xhosa. During our time together, she checked it occasionally to confirm that she was using the correct words to address our waitress²¹⁰. Her journey to understand ‘her’ perpetrator and reconcile with him, while focused at the individual level, required her to open herself to all South Africans. She embodied perhaps the thickest understanding of reconciliation I encountered, and, unsurprisingly, complained that the SATRC did not help her to achieve it. Jobson’s understanding of reconciliation focused on storytelling, a focus of the NGO which she leads, and requires that every South African recognise the equal worth of other South Africans’ stories. The SATRC discriminated: some people went on television and were addressed, even applauded, by an Archbishop and Nobel laureate, some people were granted victim status, some people attempted to achieve victim status and were refused, some people did not feel their story worthy of victim status themselves. Again, it is unsurprising that the SATRC did not achieve her reconciliation.

Daly and Sarkin (2007) are among those who argue that reconciliation must be tailored to the individual situation of a given state. The depth, or thickness, what will help to achieve it in terms of prerequisites and correlates, and at what level reconciliation should be aimed. Following Daly and Sarkin (2007), Chapter 3 demonstrated the importance of *context*, that reconciliation needs to be tailored to the situation, which relationships have broken down, at what level of society, the state of the relationship before the conflict and how one wants the society to look in an idealised ‘reconciled’ state. South Africa faces lots of different situations, lots of broken or never extant relationships at many levels, and with many different types of relationship, including no relationship at all, before the conflict and many views of what a future South Africa could be, including having no new relationships. Chapter 3 also noted that ‘reconciliation’ is a word with which people are not uncomfortable; a word that many people could happily use in a sentence. What seems to have happened in South Africa is that people have focused on the problem as they see it, and tailored reconciliation to

²¹⁰ This is exceptional. I eventually gave up asking white staff in hostels how to pronounce names that were neither English nor Afrikaner because every white person I asked did not know. Simple name pronunciation, though something I never managed, might be expected of a South African who has been alive long enough legally to get a job.

suit that problem. The SATRC did not succeed in defining reconciliation, or even the parameters of what reconciliation might be.

Chapter 6: Finding Reconciliation

Introduction

This chapter returns to the narrative style used in Chapters 2 and 4, taking up the tale of how the truth commission got its reconciliation from the point at which we left it, in the early southern hemisphere Autumn of 1994, just before South Africa's first democratic election. Chapter 2 began with an historical overview of the reasons it was felt that South Africa had a past it should 'deal with'; how a beautiful country became the pariah state of the world as Afrikaner nationalism led to a Boer plan to rule over other South Africans, the consequent protests and eventual armed conflict, both within and between race categories. The main theme of that history was *division*. As the founding Act of the SATRC puts it, South Africa was a "deeply divided society characterized by strife, conflict, untold suffering and injustice" but wished to find a mechanism which would help it achieve "a future founded on the recognition of human rights, democracy and peaceful co-existence for all South Africans, irrespective of colour, race, class, belief or sex" (PNURA 1995). Chapter 4 looked to the earliest stages of this decision making, before the Commission became extant, searching for a policy decision to include a commitment to promoting reconciliation within the truth commission's mandate. Interviewees were largely confused by what they saw as an unintelligent question, suggesting that they had not previously thought of a truth commission without reconciliation. None could recall such a policy decision by anyone. The first half of Chapter 4 examined their explanations of how the truth commission got its reconciliation, concluding that reconciliation 'piggy backed' into the truth commission through its novel amnesty clause, was indeed the most likely explanation. Reconciliation was used as a political tool, a method of ensuring support for the Commission. Chapter 5, preparing the way for this chapter, looked to understand the definition of reconciliation as understood by those involved with the creation of and close to the Commission. Returning to the theme of division apparent from the history of South Africa, it found incommensurable definitions; definitions that could not possibly peacefully co-exist in one Commission had they ever become explicit. Including reconciliation in the title of the Commission was a tool for generating consensus, but in order for that consensus to have been maintained, the definition of reconciliation can never have been debated.

This chapter explains how, once establishing the Commission became a priority for both the third sector and the government, reconciliation was allowed to slip uninterrogated into the founding Act of the Commission so that its headline mandate became: “to promote reconciliation and national unity” (PNURA 1995), a mandate to which all other deliverables were subservient.²¹¹ The first hearing of the SATRC was suffused with reconciliation. Banners flew, forgiveness was begged, reconciliatory attitudes extolled. Yet neither this apparent surfeit of reconciliation nor the impressive legal mandate prevented a number of interviewees from arguing that reconciliation was not in fact a goal of the Commission. Lawyers involved in the creation of the Commission argued that it was not really very important at all. Insiders argued that they spent no time on furthering reconciliation in daily work. Reflecting on the common response to the Commission that it provided “some truth but not enough reconciliation”, some were angry that the contribution the Commission made to uncovering and publicising the truth about South Africa’s past has been undermined by a perception that it was supposed to reconcile South Africa. This chapter concludes by detailing interviewees’ explanations of why, although the Commission was perceived as reconciliation-centric, explicit work towards reconciliation was rare within the Commission. Chapter 7, the last chapter in the main body of the thesis, asks the question implicit in this chapter: why, if the Commission did not work towards reconciliation, it was perceived as doing so. The answer provides the final, and perhaps the largest, part of my explanation of where the truth commission found its reconciliation. Drawing together the themes of historical division from Chapter 2, the political use of reconciliation rhetoric from Chapters 4 and 6, the lack of desire properly to interrogate reconciliation from Chapter 5, and recalling both the reconciliation-centric nature of the Commission’s hearings and the haste with which much of its work had to be conducted which will be discussed in this Chapter, it concludes that, again, there was no policy decision to give the truth commission its reconciliation; a series of mistakes, misperceptions, and misinterpretations brought reconciliation to the truth commission, and thus changed the model of one of the most popular transitional justice mechanisms globally.

This chapter is in several sections; the first is a short discussion of the definition of reconciliation provided by the SATRC in its Final Report. The definition is, as might

²¹¹ The relevant passage explains that “The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by...” and goes on to list the four major deliverables of the Commission (PNURA 1995).

be guessed from the divergent definitions discussed in Chapter 5, open ended and criticised as such. This usefully returns us to the question posed by that chapter: why was there no proper conceptualisation of reconciliation in a Commission which seemingly enshrined reconciliation as a key goal. The next section aims to contextualise the atmosphere of reconciliation which pervaded the pre- and post-election period in South Africa. It recalls the fear and the elation and reminds us why South Africans so enthusiastically embraced the idea of 'reconciliation'. Returning to the detail of the SATRC's passage to reality, we then look at Alex Boraine's successful campaign to create a truth commission as described in his autobiography. During this campaign, he uses 'reconciliation', just as the conference suggested it be used, to promote the truth commission. Clearly, it was a successful technique; the ANC agreed to begin work on drafting a bill to create the Commission he wanted. We turn to look at that period of legislating for the Commission next, to find that it was a period noticeably devoid of reconciliation. While some of the submissions made to the legislators included discussions of reconciliation (including one which stressed the importance of defining reconciliation properly), the lawyers and politicians involved in the process did not see reconciliation as a key goal of the Commission, certainly not as important as revealing the truth or granting amnesty in a proper manner. Reconciliation was thus not defined in the founding Act of the Commission, nor was its mechanism examined. It is described in this section as simply not important enough to merit such work. Similarly, when we look at the process by which the Commissioners were selected, reconciliation was not a subject for discussion, Commissioners were not chosen for their reconciliatory skills. Despite the lack of reconciliation in the minds of those who legislated for the Commission and those who chose the Commissioners, when the Commission began its first public work, the Human Rights Violation Hearing at East London, reconciliation hung heavily over the proceedings. The middle of this Chapter is made up of an analysis of that hearing; first the ceremonial trappings and atmosphere, then the testimony of witnesses and responses of Commissioners. This analysis is followed by a series of denials of the importance of reconciliation within the work of the Commission by my interviewees. The chapter closes by partially solving the puzzle this poses; giving interviewees' explanations of how reconciliation came to be seen as prominent, despite its actual lack of prominence within the work of much of the Commission. Taken together, the analyses of this chapter lead to a conclusion of an accidental, reconciliation-sometimes sort of a truth commission, its inception very

different from the careful planning and thorough evaluation one might expect to find when considering how best to promote reconciliation in a state trying to 'deal with its past'. This is, perhaps, a foolhardy expectation, given the historical circumstances which we will review immediately after a discussion of the SATRC's definition of reconciliation.

The SATRC's Reconciliation

The Commission did, in the end, claim to define reconciliation in its Final Report. It stated that "reconciliation is both a goal and process" (SATRC Vol 1, #5, 106), and argued that there are "many different levels at which reconciliation needs to take place" (Ibid) which include, but are not limited to "coming to terms with a painful truth" (Ibid, 107), "reconciliation between victims and perpetrators" (Ibid), "reconciliation at the community level" (Ibid) and "unity and reconciliation at a national level" (Ibid, 108). The definition is discussed more fully elsewhere,²¹² but it is necessary here to note that the Commission's definition is all-encompassing, covering religious definitions, peaceful coexistence, psychological healing and so on. It reads less like an official definition of what the Commission believed reconciliation meant, such as those provided for the other key terms like 'victim' and 'perpetrator', and more like a survey of what the Commission found, similar to that provided for a given type of human rights violation: "In some cases... the Commission's disclosure of truth helped people reach 'closure'" (Ibid, 107), "In some cases... the Commission assisted in laying the foundation for reconciliation" (Ibid), "In some cases, the Commission was able to assist in the process of reconciliation at the micro level" (Ibid), "The experiences of the Commission illustrated the particular difficulty of understanding the meaning of unity and reconciliation at a national level" (Ibid, 108). This is not a definition, it is a journal of the achievements the Commission had in reconciliation. Further, in acknowledging the presence of forms of reconciliation other than those it lists, but failing ever to mention what these are or where one can find out about them, it opens itself up to the possibility of defining reconciliation in any way at all;²¹³ we return here to the idea of reconciliation as an umbrella term and the potential criticism of this that one does not

²¹² See Chapter 3

²¹³ To acknowledge that there are many different reconciliations, and not to explain what these are but nonetheless to grant them all equal status is dangerous. Does the SATRC report believe, for example, that reconciliation is compatible with apartheid?

know what shelters under the umbrella.²¹⁴ The ‘definition’ of reconciliation offered by the Final Report provides neither leadership nor guidance. When Wilson suggests that the SATRC failed to define reconciliation in order that it not be judged by the meter such a definition would provide, he highlights a deficit of aim of purpose. If we do not define our goal, we cannot even begin to talk about how to get there. When reconciliation means everything from Chris de Jager’s apartheid compatible peaceful coexistence to Kader Asmal’s profound psychological change and moral restructuring for perpetrators, via Ginn Fourie’s forgiveness and understanding,²¹⁵ how does one achieve, start to achieve, or even consider achieving reconciliation? The SATRC’s understanding of reconciliation as process muddies the waters still further, almost defining any action that aims at reconciliation as reconciliation.²¹⁶ This may be tenable when reconciliation has a relatively fixed definition, but the methodologies required by the reconciliations of de Jager, Asmal and Fourie become contradictory; Asmal needs an admission that apartheid was morally wrong by an entire society, de Jager demands a continuance of the status quo, and Fourie needs a lengthy interpersonal intervention to facilitate individual healing and relationship creation.

The question stands, however the SATRC got its reconciliation, why was this reconciliation never clearly conceptualised by the Commission? There are two sorts of answers to this. The first is that they did not need to pin down reconciliation because it was not very relevant to the Commission’s work. The second is that they should have better conceptualised reconciliation but that they failed so to do because of internal problems. We will look at both, the former in this chapter and the latter in the next.

First, we need to return to the history of the SATRC where we left it at the end of Chapter 4. To recap, the ANC and the third sector independently concluded that South Africa needed a truth commission, although each conceptualised this differently. For the ANC, such a commission would demonstrate their moral superiority and allow a thorough airing of apartheid’s dirty linen. It would include an amnesty to deal with

²¹⁴ As made in Chapter 3 when discussing the IDEA *Reconciliation Handbook*

²¹⁵ See Chapter 5.

²¹⁶ Note that to define reconciliation as a process has strong precedents in the literature. John Paul Lederach, for example, defines reconciliation as such (Lederach 1997) as does the well received IDEA Reconciliation after violent conflict: a handbook (Bloomfield, Barnes Huyse 2003). For a discussion of these, see Chapter 3. The problem with the SATRC’s definition of reconciliation as a process is not with the idea that reconciliation is a process per se, but rather that with an open-ended definition of reconciliation, to label it also a process is to encourage an amorphous reconciliation. Critically, it is a definition that will not assist those attempting to achieve reconciliation.

human rights abusers and avoid the necessity of trials and their attendant risk of angering the right wing. The third sector focused on victims' needs and on circumventing the amnesty guaranteed in the constitution and its attendant denial of (punitive) justice. Reconciliation arrived through that amnesty provision; amnesty would allow reconciliation rather than the violence threatened by the right wing if they did not get the amnesty they had been promised. Once added to the truth commission, reconciliation allowed the truth revealed by the Commission to be claimed as reconciliatory, rather than antagonistic.

Contextualising reconciliation

More or less, we left the history of the SATRC on the eve of democratic elections, before Mandela put on his rugby shirt or visited Betsie Verwoerd, while the country held its breath waiting to see what the elections would bring. The Final Report notes:

Two features dominated the period 1990 – 94. The first was the process of negotiations aimed at democratic constitutional dispensation. The second was a dramatic increase in levels of violence in the country, with a consequent increase in the number of gross violations of human rights (Vol 2, 583)

Approximately 16,000 people died in political violence in the four year period between Mandela's release and his election as President (Ibid, 584). The violence, worst in the Natal region,²¹⁷ intensified as the elections drew nearer. In the summer of 1993-4, all-out pitched battles occurred daily in some townships²¹⁸. Trains were targeted, commuters murdered. Necklacing escalated.²¹⁹ Allegations of an NP government sponsored 'third force' attempting to derail democracy by inciting violence between different ethnicities and political parties, particularly the ANC and IFP,²²⁰ were

²¹⁷ Now Kwa Zulu Natal (KZN), then just Natal. For a summary of the violence in one small town in KZN during this period, see note 255, below.

²¹⁸ See Marinovitch and Silva (2001), the account of two photographers who covered the township violence for vivid descriptions thereof.

²¹⁹ The practice of placing a tyre filled with petrol over someone and setting it alight, a punishment for traitors, witches and other types of liminal people from the late 1980s onwards (SATRC 1998, Vol. 5 275 and 301).

²²⁰ The ANC was seen by some as a Xhosa party, the IFP as Zulu. See note 255 for a discussion of the links between Zulu ethnicity and the IFP. The link between Xhosa ethnicity and the ANC seems to come from the unrepresentative numbers of Xhosa in the ANC leadership, especially before apartheid ended - Nelson Mandela, Winnie Madikizela both Mbekis, Walter Sisulu (although his father was white), Head of MK Chris Hani, and Head of the UDF Desmond Tutu. The ANC leadership was traditionally very intellectual, and this perhaps begins to explain the link: the Xhosa were the first ethnic group to receive Western missionaries (Minorities at Risk Project 2003) and their attendant education programmes and were consequently the first to be able to be 'intellectual'. Further, the Ciskei (one of two Xhosa homelands) had the very good Fort Hare University, a vector for much anti-apartheid activity. Before 1975, it was also one of only three universities at which black students could expect to gain a place (Bunting 2006). As Patrick Bernhagen has noted:

frequent. Bophutswana and the Ciskei, 'homelands'²²¹ due to be integrated into South Africa proper after the elections, both experienced a considerable deficit of governance. Bophutswana just survived *a coup d'état*,²²² while Ciskei had to be placed under a transitional authority after its power structures crumbled (Worden 2000, 162).²²³ The IFP, a major political force in Natal, continued to refuse to take part in the elections until a week before they were due to take place. Very few people expected the elections to go as well as they did; so little violence, so few dead, "substantially free and fair" (IEC cited in Hamlyn 1994). It was, of course, also the first time all South Africans could partake in a proper democracy. Desmond Tutu explains his feelings about his first vote, aged sixty two, thus:

The moment for which I had waited so long came and I folded my ballot paper and cast my vote ... It was giddy stuff. It was like falling in love. The sky looked blue and more beautiful. I saw the people in a new light. They were beautiful, they were transfigured. I too was transfigured
(Tutu 2000a, 3)

This is the context in which we must place the origins of the SATRC. While we focus on the minutiae of the creation of the SATRC, outside the walls of conference centres and parliaments, South Africa was getting on with a precarious transition. Those who worked on the creation of the SATRC feared for their country. Reconciliation must have seemed like the ultimate panacea.

Campaigning for a Truth and Reconciliation Commission

Even before the elections, George Bizos told me, Dullah Omar invited him to create legislation that would form the origin of the Promotion of National Unity and Reconciliation Act (PNURA), the Act that promulgated the SATRC. The original legislation was, he says, "totally unsatisfactory" (Bizos 2008) because of its poor compatibility with the Bill of Rights. He worked, with others, on trying to create a suitable alternative up until the Bill was released to Parliament in 1995. Meanwhile,

"Historically, it was only when real possibilities for alternatives were spelt out that happy slaves ceased to be happy, contented housewives withdrew their consent, and the poor stopped applauding the rich for enjoying the freedoms they were deprived of themselves" (Bernhagen 2005, 61). Xhosas had a greater possibility of the real possibilities for change being spelt out to them as compared to other ethnic groups.

²²¹ See Chapter 2 for a discussion of the homeland system.

²²² Launched by the Bantustan's own army, the coup aimed to focus Bophutswana's President, Lucas Mangope, to agree to rejoin South Africa. The AWB (a far right party) launched a spectacularly bad invasion of the area in support of Mangope. Having been ignominiously defeated by the South African army, the AWB retreated to their farms and Mangope fled in a helicopter. See Marinovitch and Silva 2001.

²²³ Civil servants went on strike after Pretoria cut off funding creating a state without government. The provisional administration included Bongani Finca, later to become a Commissioner of the SATRC

Alex Boraine, on the third sector side of the SATRC, but encouraged by Kader Asmal and Albie Sachs of the ANC, wrote to Mr. Mandela on the 19th April 1994, a week before the elections, offering a list of advantages and disadvantages with regard to what he called a “Commission on Truth and Reconciliation”.

It is curious that Boraine felt the need to encourage the ANC to conduct a truth commission when it had already hired a well-respected human rights advocate to work on the legislation. Perhaps Boraine wanted to ensure it was a truth commission in the model of the NGO community; while he does not describe his conception of a truth commission, he offers nine reasons for conducting a commission that suggest for him it would be the victim centred commission envisioned at the February conference. His proposal begins:

South Africa is a deeply divided society and a major aim for the new Government of National Unity will be to work urgently towards national reconciliation. It is with this central aim in mind that it is proposed that a Commission of Truth and Reconciliation be appointed as a matter of urgency. Its major purpose will be to give effect to reconciliation by seeking the truth and the reality of South Africa's past (Boraine 2000a; 32)

Why the stress on reconciliation? As discussed in Chapter 4, the conference that Boraine had organised had not been focused on national reconciliation, but rather individual victimhood and victims. Where reconciliation had been mentioned, it was as part of an inconclusive debate, seemingly an attempt to soothe a largely unspoken worry that the country should not be publicising the worst of its tragedies for fear of damaging reconciliation. The conference certainly did not insist that the major reason to have a truth commission was reconciliation. I would suggest that this emphasis on reconciliation is because Boraine is writing to Mandela who is so closely associated with reconciliation and the promotion of reconciliation; Boraine is attempting to appeal to a goal valued by Mandela in order to persuade him to enact a truth commission. We might argue that when the country was so obviously in need of reconciliation, even reconciliation as ‘simple’ peaceful coexistence, that laying stress on a truth commission's utility in terms of reconciliation means that it is more likely to be accepted by all sides.

Boraine's letter to Mandela led to a meeting with Omar, then the Minister of Justice, who, Boraine says:

made it very clear that he was totally committed to a truth commission. He reminded me that the ANC NEC had made that decision in 1993 and that he was anxious that amnesty, which was allowed for in the postamble of the Interim Constitution, should not be the dominant theme in dealing with the past but that we should be concerned always with victims, with reparation and with truth (Ibid, 37)

At the same meeting, Boraine

urged Omar not to call it simply a truth commission, because of the Orwellian overtones of the term, but rather to talk in terms of truth and reconciliation, in the hope that the uncovering of the truth, which would lead to acknowledgement of that truth and accountability, would assist us in bringing about the elusive prize of peace and reconciliation (Ibid, 37-8).

This reconciliation is more tentative and aspirational than the reconciliation that Boraine said required a truth commission to begin work urgently in his note to Mandela. Whereas in Boraine's note reconciliation was to be 'given effect' by the truth commission, i.e. the Commission could carry out reconciliation or to put it into practice, here the truth commission might 'assist' in achieving an 'elusive prize'. Reconciliation has gone from a direct objective and intended consequence to an aspiration that the Commission may or may not further. I also want to note that it is peculiar to rename something to make it seem more attractive in Orwell's name.²²⁴ Nonetheless, Boraine apparently made the argument without irony and he seems to believe that the SATRC was thus named because of his argument; not because reconciliation was as important as truth, but because adding 'reconciliation' to the name made it sound better.²²⁵

A few days later, Omar announced to Parliament that a SATRC was planned, and invited contributions to the legislation. Boraine says that Omar "emphasised that reconciliation was not simply a question of indemnity through amnesty and letting bygones be bygones" (Ibid, 44) but rather focused on victims and the need for their truth to be acknowledged. This all returns to Andre du Toit's suggestion that a truth commission gave Omar a neat way to get around a politically impossible amnesty.²²⁶ It also returns to my point that reconciliation was originally associated with amnesty, and that the shift of linking reconciliation to truth commissions occurred before the truth commission was born. Reconciliation was associated with truth commissions when

²²⁴ Although, of course, Eric Arthur Blair did a little of that himself

²²⁵ This echoes the discussion at the conference, covered in Chapter 4, wherein Albie Sachs complained that Commission of Truth sounded too similar to 'Ministry of Truth'. Consensus seems to have formed around the idea of 'Commission of Truth and Reconciliation'.

²²⁶ See Chapter 4

proponents wanted to elicit approval for the truth commission and to downplay suggestions of a witch-hunt, or of the 'Orwellian' nature of an official truth.

Legislating for a Truth Commission

The legislation for the SATRC was among the most consultative and transparent processes in which South Africa has ever engaged, according to Enver Daniels (2008). Daniels can be considered something of an authority here. His current job title is "Chief State Law Advisor". The process, he said, set a high bar for all future legislation in terms of consultation and representation, with political parties, human rights groups, church groups, and members of the public all invited to take part (Ibid). The Portfolio Committee on Justice, headed by Johnny de Lange, was in charge of drafting the Bill before its submission to Parliament. Antjie Krog describes the process thus:

The Portfolio Committee on Justice spent six and half hours on the Truth Commission Bill before any public submission was made. It listened for more than twenty hours to submissions and it discussed, compiled and drafted the various clauses of the Bill in 100 hours and 53 minutes. Many a time the civil servants turned up at the meeting with red eyes and wrinkled clothes, having worked through the night to prepare a discussion document. In total, the Committee spent 127 hours and 30 minutes on the Truth Commission Bill (Krog 1999, 14)

She notes that one of the rumpled civil servants complained to her that "because this has to be process, it is developing into a hell of a unique, but impossibly complex, law" (Ibid, 6). Everybody had an opinion. The Freedom Front wanted the amnesty cut-off date moved to accommodate their crimes. The NGOs wanted open hearings. The NP wanted guarantees of even handedness. The Churches wanted to be more involved. Victims' groups wanted representation. The Senate wanted foreign Commissioners (Ibid)²²⁷. Notably, submissions to the Committee continued the habit of viewing amnesty as a conduit for reconciliation that was prominent in discussions in Chapters 4 and 5 but also connected reconciliation to forgiveness by victims, the conception popularised by Desmond Tutu once the Commission had begun. Lawyers for Human Rights argued in their submission that

While reconciliation is important, we are of the firm opinion that reconciliation will be better advanced through the granting of amnesty rather than the provision of impunity to perpetrators of human rights violations...It is the prerogative of the victims and survivors to forgive those who have committed human rights violations against them. This is what will promote reconciliation and unity. If the victims and survivors do not have knowledge

²²⁷ See also the excellent Traces of Truth project, an online collection of original SATRC related resources, including a number of the important submissions made to the Committee, Traces of Truth 2010.

of the identity of the perpetrator and the details of such violations, how can they ever be expected to forgive such transgressions (Lawyers for Human Rights 1995)

There is also the first strong link between truth and reconciliation in the submissions, here demonstrated by the Research Institute on Christianity in South Africa:

If pursued within clearly defined parameters and with the primary intention of helping to heal the wounds of the victims of apartheid, the Commission would contribute greatly to the just political transformation of our country... Truth and reconciliation are inextricably related. It is necessary for those who seek reconciliation to tell all that they know. Telling the truth is a moral value which establishes trust and confidence. Telling the truth enables those who have committed wrongdoing to deal with their consciences. Hearing and knowing the truth enables victims to express their emotions in an appropriate manner, to love once again. Both victim and perpetrator can be released to be more human. Reconciliation can never be a cheap act. A reconciled, reconciling and renewed community is the goal and mission of the Christian church. We therefore believe that it is possible for all humanity to be reconciled with one another across barriers of history, culture, language and class. Reconciliation comes about through sharing; sharing our pains and hurts and sharing our hopes and our visions.

(Research Institute on Christianity in South Africa 1994)

Boraine, de Lange and Krog all provide perspectives on the consultation and writing process (Boraine 2000a, Krog 1999, de Lange 2000). What interests us is why the PNURA enshrines reconciliation without describing it.

George Bizos told me that they did consider legislating for reconciliation, and that it was discussed in relation to the amnesty clauses. He said that they thought about including a requirement that apology be made and/or forgiveness be requested. He said:

We came to the conclusion that you couldn't legislate for such a subjective concept. If a person was going to say 'I'm sorry' to get amnesty, it would have been a hollow apology. If we provided that amnesty would be dependent on forgiveness granted by victims, it would have created problems which would have had moral and legal difficulties (Bizos 2008)

This debate was prevalent at the time; Paddy Clark remembered Bizos making the same argument on a radio debate before the Commission was created. He backed up his argument to me with an anecdote about Benjamin Tucker, one of the doctors who failed to treat Steve Biko's injuries.²²⁸ Having had his license to practice revoked because of his behaviour he was forced to apply to be re-licensed. The statement submitted to the licensing hearing by Dr Tucker concluded "I have been advised that in order to get readmitted I would have to apologise. I hereby do so" (Benjamin Tucker, cited by Bizos 2008). Bizos was unimpressed by what he viewed as a forced, hollow apology.

²²⁸ Steve Biko was severely beaten in Port Elizabeth while in police custody, receiving massive and fatal head injuries. These were examined by two doctors, both of whom failed to offer treatment. Biko was then driven naked and semi conscious in the back of a Land Rover for 1,500 km to Pretoria where he died, alone, on the floor of the Central Prison (Special Report Episode 1, 35:45)

He recalled the SATRC hearing into Biko's death with similar distance, remembering the bright hat and Sunday Best Tucker's wife wore, and how she and her husband asked Bizos if he would pose for a photo with them during the intermission.²²⁹ Neither Dr. Tucker nor his wife were, in his opinion, sorry and their behaviour at Biko's SATRC hearing cemented his view that it was correct not to legislate for apology. Hollow apologies were a real and present fear in his mind, That he answered a question about defining reconciliation with a reply about amnesty, forgiveness and apology perhaps tells us more about his conceptualisation of reconciliation and its strong links to amnesty than its lack of definition in the Act.

Having failed to legislate for forgiveness and amnesty, Bizos said that the legal advisors to the legislators decided "whether it ended up in reconciliation was not for the lawyers" (Ibid). I asked him why, in that case, the Act was named for reconciliation. He said it was "aspirational" and gave me the example of an anti-terror piece of legislation whose title no longer refers to terrorism, but is euphemistically named the "Protection of Democracy Act" (Ibid). Reconciliation, for Bizos, was not part of a lawyer's domain. He expected Acts to be outlandishly named, with only a hint of their actual purpose; reconciliation could not be legislated, it was unnecessary to define it.

In terms of debate and discussion, Charles Villa Vicencio, who helped draft the PNURA and went on to become the Director of Research for the SATRC, said "reconciliation was the poor cousin of truth" when planning the PNURA (Villa Vicencio 2008). It was under discussed because it was not as important as truth, which was the key goal of the Commission (Ibid). Nor, he argued, did anyone believe that truth led to reconciliation during the planning phases (Ibid). It was not assumed that reconciliation would happen because the truth elements of the Bill were correct (Ibid). It just was not important enough to waste time on when there was so much else to consider (Ibid). Richard Goldstone, who was also involved in drafting the Bill, said that it was not defined because it was a "given", "assumed", "taken for granted" (Goldstone 2008). This tells a similar tale to Villa Vicencio's account and gives reconciliation a similarly low priority;

²²⁹ Bizos is well known in South Africa, a hero to many including this author, because of his decades long legal battle against apartheid. Notably, he represented the Biko family at the inquiry into his death and, led by Bram Fischer and with other advocates, acted as Defence Counsel during the Rivonia Treason Trial as a result of which Walter Sisulu, Govan Mbeki, Ahmed Kathrada and Nelson Mandela were imprisoned, but not, as expected, given the death penalty (Bizos 2007).

if something is important then one does not assume its definition or mechanism, one questions and contests it.

As indicated by Krog's comments above on dishevelled civil servants working all night, the legislative stage of the SATRC was frenetic. It was also legalistic. First, Boraine and Omar involved senior human rights lawyers and advocates to draft the Bill; Villa Vicencio, Bizos, Goldstone and Mary Burton were included. Paddy Clark, Boraine's long serving assistant, contrasted this legalistic process with the humanity that Burton, formerly of the well known humanitarian NGO the Black Sash, brought to the work. Burton, however, arrived later and was outnumbered by the lawyers. Burton, too, remembers the legal nature of the thinking at the time (Burton 2008). It convinced her that she did not want to be involved with the Commission once it was up and running (Ibid). Her qualities, she felt, were not well suited to the investigatory role she thought the Commission would have (Ibid). Reconciliation was not defined here because there was too little time and it was of too little significance. This was to be a truth commission. It was not possible for South Africa to mandate forgiveness, reconciliation was not a concept with which lawyers were comfortable, there was thus little point and even less time to discuss it.²³⁰

Once the PNURB²³¹ reached the Portfolio Committee on Justice, its Committee members were deluged with submissions from outside Parliament. Inside the committee room, between de Lange and the primary NP member present, there was, Krog says "nothing but total war" (Krog 1999, 9).²³² 'Total war' is rarely conducive for negotiating complex issues like the definition of reconciliation. Willie Hofmeyr, then

²³⁰ It might be noted here that neither was the definition of 'truth' included in the PNURA. Seemingly to avoid the necessity for such a definition, the Act demands that amnesty require "full disclosure of all the relevant facts" and the Commission is delimited in its truth seeking task by the phrase "as complete a picture as possible". Section 4 of the Act goes into further detail of what investigations might be necessary to gain such a picture. See Promotion of National Unity and Reconciliation Act 1995. The Commission specifically defined truth, providing a contested quartet of competing definitions: factual or forensic truth; personal or narrative truth; social or 'dialogue' truth and healing and restorative truth (SATRC 1998, Vol. 1, 110). These four definitions, while they do compete and have been criticised as illogical and internally inconsistent (for the most stinging, if not the most nuanced, criticisms see Jeffrey 1999, alternatively see Wilson 2001 or Posel 2002) and while factual truth has been argued as the only truth the SATRC really used (Wilson 2003, Buur and Harper 2002) do at least delimit the possible, unlike the definition provided for reconciliation by the SATRC.

²³¹ PNURB, Promotion of National Unity and Reconciliation *Bill* because it had yet to be passed by Parliament.

²³² This antipathy can be understood in the context of the war both ideological and physical the two men's parties had been conducting during apartheid as well as a personal antipathy.

an ANC MP on the Committee, talked about his awareness that the legislation had to be completed speedily, but also had to gain cross party consensus (Hofmeyr 2008). A truth commission that was rejected by the NP would be destined to fail (Ibid). De Lange and the NP had to reach a compromise, despite their mutual loathing.

Enormous effort was thus put into negotiating the amnesty because it was especially contentious (Ibid). The ANC wanted an individual amnesty and preferably for it to be limited to less serious crimes (Ibid). The NP were, he remembers, obsessed by process, they wanted judges involved at every possible stage, for example (Ibid). The negotiations were full of delicate compromises and sections of the PNURA were only agreed “to get political buy in” (Ibid). These delicate processes and negotiations did not provide space for a detailed examination of definitions, particularly if it was not a high political priority for a given party. Why examine reconciliation if everyone agreed it was a good thing?

The PNURA became law on the 19th July, with acceptance from the ANC, NP, PAC; abstentions from the IFP; and the FF enjoying their traditional role as spoilers by voting ‘no’, just over a year after Boraine wrote to Mandela. The next week South Africa would beat the All Blacks at the Rugby World Cup Final.²³³ Reconciliation was for Presidents in rugby shirts, not tired lawyers or warring parliamentarians. It remained in the title not as promise, but as hope, not something the Commission would achieve, but ‘promote’; an ethereal concept of uncertain mechanism with which, one day, South Africa might be blessed. Thus Sheila Camerer voted for a Bill which promised a different reconciliation than that in which Thabo Mbeki believed, without perhaps ever realising that they were voting for different things.

Finding Truth Commissioners

On the 16th of September, Mandela appointed a committee to determine who would comprise the short list of potential Commissioners, from which he would make the final selection (Mandela 1995b). Administered by Denzil Potgeiter, who went on to become a Commissioner himself, its other members consisted of four political representatives, one each from the ANC (Baleka Kgositsile, MP), FF (Senator Rossier de Ville), IFP (Harriet Ngubane, MP) and NP (Ray Radue, MP) and four people representing the third sector: Bishop Peter Storey of the Methodist Church, Jayendra Naidoo, from the trade

²³³ See Chapter 4 for discussions of this.

unions, Jody Kollapen, of Lawyers for Human Rights, and Brigalia Bam, of the South Africa Council of Churches (Mandela 1995b, Boraine 2000a, 72). It was chaired by Fink Haysom, Mandela's legal advisor (Boraine 2000a, 72). It is an astonishing group, stretching across the political spectrum and, of course, incorporating most of South Africa's 'races'. All the panellists I interviewed commented favourably on their fellow committee members (Bam 2008, Radue 2008, J Naidoo 2008, Storey 2008), on the ease with which people with such varied politics and experiences managed to get along and make constructive decisions.²³⁴

I interviewed four of the nine,²³⁵ none of whom felt reconciliation was a guiding principle in their deliberations over choosing Commissioners (Ibid). Bam noted the total absence of precedents for their choices, there were, she said "no models to follow ... no criteria to say you must be the best person" (Bam 2008). It was very hard to know "what kind of people we need and what kind of training will they receive" (Ibid). The focus was very clearly on truth and victims, thus Jayendra Naidoo commented:

One wanted from the SATRC that it would be a Commission that would be representative of what South Africa needed to do, to manage a process of truth, to have life experience that made them respond to the truth. It was also important that you had people to represent all communities. You want people with clean hands. You didn't want people that were so scarred they couldn't apply their empathy (J Naidoo 2008)

Bam (2008) agreed broadly with these criteria, as did Storey (2008). Radue's major recollection was the debate surrounding whether those who had suffered themselves would be able to respond effectively to the stories of victims and perpetrators (Radue 2008).²³⁶

These were the main criteria on which those interviewing as Commissioners were judged, which means reconciliation was relatively absent. However, it could be argued

²³⁴ This is in marked contrast to the Portfolio Committee and the SATRC itself. This is perhaps because the Committee sat for just over a month and tensions did not have time to arise, perhaps because all had been personally appointed by Nelson Mandela and were unwilling to let him down, perhaps simple luck. Brigalia Bam (2008) was the only interviewee to come close to explaining the cooperation the group enjoyed. She said the women in the group used to "*caucus in the toilets*" and that their ensuing friendship cross-cut political divides (Ibid). Perhaps this friendship group forced a less confrontational atmosphere.

²³⁵ Those I did not interview were Harriet Ngubane, who died in 2007, Fink Haysom, who works in New York, Denzil Potgieter and Baleka Kgositsile, who were too busy to meet with me, and Rossier de Ville and Jody Kollapen, both of whom I could not contact

²³⁶ Michael Lapsley, Albie Sachs and Frank Chikane, had, for example, applied to be Commissioners. Sachs lost his right lower arm and the sight in his right eye in a bomb in Mozambique, Lapsley lost both hands in another bomb and Chikane was poisoned. The SATRC found all this damage to have been committed by agents of the apartheid state (SATRC 1998, Vol. 2 122-3, 141, 592-3).

that the need for all communities to be represented was related to reconciliation, if only in the sense of reconciliation as opposed to the division that would be caused by choosing only members of one community. Despite their aims to provide Mandela with a representative selection of members of different communities, the President eventually chose to add two names to the list to increase its representativeness: the administrator of the selection panel, Denzil Potgieter who is 'coloured'; and Khoza Mgojo, to provide representation from Kwa Zulu Natal.

Reconciliation was present in the minds of two of my panellists. Bam and Storey, both chosen as religious representatives, felt very strongly that the truth commission's role was to conduct or facilitate reconciliation in some way (Storey 2008, Bam 2008). At the time the idea of a commission promoting reconciliation through uncovering the truth appealed to both (Storey 2008, Bam 2008). Storey said it was "an ethical contention [that] rang true for the Christian faith" (Storey 2008). Storey continued to believe that truth led to reconciliation (Ibid). Bam felt that they had perhaps been naïve; she said, "we were very short sighted about the idea that once you know truth, then you walk away" that "maybe we should have talked more about reconciliation" and talked about it earlier in the process (Bam 2008). She said she had never thought through reconciliation's conceptualisation, and remembered what she now sees as a warning Mandela gave her, that South Africa would take many years to reconcile and would need considerable help (Ibid). The other two panellists I interviewed, both now business people and both formerly heavily involved in politics, had a less strong feeling about reconciliation, giving it lower priority in our interview and defining it as a minimalist peaceful coexistence (Radue 2008, J Naidoo 2008). It is clear that neither the definition of nor the potential mechanism for reconciliation were discussed in depth during the panel's work. Neither was the possible contribution of the SATRC to reconciliation considered in their meetings. The focus was rather on the search for truth, caring for victims and finding Commissioners suitable to these tasks while ensuring that they as a group remained representative.

Becoming the Truth and Reconciliation Commission

The Commissioners were announced on the 29th November 1995. They comprised: Desmond Tutu as Chairperson, Alex Boraine as Deputy Chairperson, and Mary Burton, Bongani Finca, Chris de Jager, Sisi Khampepe, Richard Lyster, Wynand Malan, Khoza

Mgojo, Hlengiwe Mkhize, Dumisa Ntsebeza, Wendy Orr, Denzil Potgieter, Mapule Ramashala, Faizel Randera, Yasmin Sooka and Glenda Wildschut as Commissioners. Their appointment was reported globally, and generally described by the communities each was thought to represent, the Associated Press's *Worldstream* being representative of the reporting style:

The panel of ten men and seven women includes seven black members, six whites, two of mixed race origin²³⁷ and two of Indian descent. Seven are lawyers, two are medical doctors, four are religious leaders or have been ordained as ministers and two are social workers²³⁸ (AP 1995)

Some of the Commissioners were relatively well known; Boraine, for example, had served as an MP and Burton had presided over the Black Sash, both had been allotted press attention in the past. Others, like Mgojo and Khampepe, caused journalists to struggle to provide a biography; Mgojo, despite his leadership of the South African Council of Churches, had largely worked quietly in Natal as a Methodist minister, Khampepe had been working in private legal practice for many years. Above all of them in terms of notoriety was Tutu, Nobel Prize winner, first black Archbishop of Cape Town, famed loudmouth,²³⁹ long standing anti-apartheid activist, close friend of Mandela. All were leaders in their own jurisdictions. Even those who had relatively short biographies tower above the average person in terms of achievements. Most were religious, but while Tutu hopefully refers to the group's least religious member as 'agnostic' (Tutu 2000a, 74), Ntsebeza prefers 'atheist' (SAPA 2009a)²⁴⁰ and it is notable that not all those with religious conviction were Christians, with one member a Hindu and one a Muslim (Tutu 2000a, 74). As we will discuss later, they were a profoundly diverse group with very different ideas about a great many things.

²³⁷ In South Africa, where mixed origin was not legally possible because of laws banning sex across colour divides, this means Potgieter and Wildschut belong to the old apartheid category of 'coloured'. See Chapter 2 for a discussion of the complications of race in South Africa.

²³⁸ Oddly, the professions list ignores the two psychologists, thus leaving the profession count at fifteen people. Neither Ramashala nor Mkhize will have been pleased.

²³⁹ In the context of how that 'loudmouth' was used, this can only be a compliment. Few during apartheid had the courage to speak as often, as profoundly, and as forthrightly as Desmond Tutu. His voluble interjections into South African and global politics should be welcomed and recent retirement mourned.

²⁴⁰ Ntsebeza lists the religious convictions of the Commissioners as "at least one atheist, a couple of agnostics, a Hindu and a Muslim, but most were Christians" (Bell and Ntsebeza 2003, 292). Tutu's description of the same people reads "There were a number of Christians, a Muslim, a Hindu, some lapsed believers, and possibly an agnostic or two" (Tutu 2000a, 74)

On the 15th December 1995, the day before the Day of Reconciliation,²⁴¹ the names of the Commissioners appeared in the *Government Gazette*, and the Commission legally became extant. Boraine describes it as terrifying (Boraine 2000a, 76). They did not, he says, even have a paperclip, let alone a secretary to look after it, a desk at which she or he might sit, or an office in which to put the desk (Ibid). What they did have was a founding Act from which to work, and the experience and knowledge of seventeen, very individual, Commissioners. All they appeared to share was a nationality and what Fink Haysom, chair of the selection panel, called “a commitment to the three ideals embodied by the National Unity and Reconciliation Act, a commitment to national reconciliation, a commitment to truth and a commitment to human rights” (Haysom 1995).

Very few of the Commissioners could have had firm ideas of what a truth commission was, let alone what their role would be. Boraine, of course, had done serious research into truth commissions and had become extremely knowledgeable (see Boraine 2000a). Burton and Ntsebeza had attended Boraine’s IDASA conferences (Boraine and Levy 1995). Having attended the conference and been involved in the legislative process, Burton, as I mentioned earlier, thought the truth commission’s role would be investigative, recriminative and legally based. It does not seem that attending the conferences helped one to understand how the SATRC would actually operate. The other Commissioners existed in varying degrees of bewilderment, both about their role and the role of the Commission. Orr remembers asking the person who nominated her to be a Commissioner “what she thought might be expected from Commissioners – I really have no idea what I was actually being asked to do ... She was as uncertain as I was ‘Well, there will be lots of papers to read’ she said” (Orr 2000b, 18-19). In interview, she remembered learning about the Chilean and Argentinian experiences before the Commission, but not in detail. When I asked Bongani Finca if he had any idea of what the SATRC would be like, he replied

No, absolutely none. I just knew there will be an element of accountability for what happened in the past, and I knew that those who were victims of injustice were calling for it, because they had questions that remained unanswered for such a long time and the President had led this enthusiastic campaign for the country to build on a foundation of unity, of reconciliation and of nation building. But how it was going to pan out, what it is the truth commission was going to do, I had no idea (Finca 2008)

²⁴¹ A public holiday commandeered from an apartheid era celebration of the Afrikaner defeat of a Zulu king, Dingaan, and optimistically renamed.

de Jager and Malan felt that it would mainly be an important mechanism for amnesty (de Jager 2008, Malan 2008). Mgojo, placed on the Commission at the request of President Mandela, had not applied to be a Commissioner and was generally uncertain as to what it would entail. He felt simply that given the President had specially chosen him, he should probably accept the position (Mgojo 2008). Randera had no concrete ideas as to his, or the Commission's, role (Randera 2008). Browne, Tutu's personal assistant, gives an idea as to the other Commissioner's knowledge: "Alex did a huge amount of research ... but as far as the other Commissioners, I think they were generally informed, but not totally informed" (Browne 2008).

None of the Commissioners mention receiving training in their new roles. Preparations seem to have extended to a spiritual retreat held largely in silence in late January 1996 and much needed advice concerning psychological well being (Tutu 2000a, 71-2). No one recalls being trained in the developing transitional justice literature or the work on reconciliation. The emphasis was on recruiting staff, obtaining offices, buying that paperclip, and starting the process of finding victims and perpetrators (Boraine 2000a, Tutu 2000a, Orr 2000b).

Just four months from its creation, the Commission held its first public hearing. For one month of that four, the Commission was effectively without Commissioners. The long summer vacation begins on the Day of Reconciliation and most had lengthy pre booked holidays (Orr 2000b).²⁴² Those that did not had to attempt to organise themselves in a South Africa that had shut down for the vacation (Boraine 2000a). Commissioners returned full time to the Commission, after working notice in their previous jobs, in dribs and drabs between mid January and mid March, only a month before the first hearing (Orr 2000b). It is little wonder there was no time to organise or conduct training in what presumably seems to most people to be a dry academic literature.

Reconciliation Arrives: The First Hearing

The first hearing of the SATRC was held in East London on the 15th April. The location was symbolic. East London, a medium sized seaside town by British standards, is roughly equidistant between the two powerful cities of Cape Town and Johannesburg. It is just inside the old 'white' South Africa, and positioned between the old homelands of Transkei and Ciskei, which begin ten miles away (Orr 2000b). Most

²⁴² Summer in South Africa includes the Christmas and New Year holidays

symbolic of all, it is the Eastern Cape, which, as Boraine (2000a) notes, bore the brunt of apartheid, legal and illegal. A map of the region seems littered with names made famous by apartheid and the struggle against it. Qunu, home of Mandela, Cradock, of the Cradock Four, Port Elizabeth, of the PEBCO Three and where Steve Biko received the beating that led to his death, King Williams Town, where Biko grew up and to where he was banned,²⁴³ also where the golf course was attacked by APLA, Fort Hare, where most of the present cabinet and past ANC NEC received their university education, Bisho, of the eponymous massacre. Travelling to East London by road is an odd experience. Every time you pass a distance marker or a turn off, you are confronted by a selection of tragedies and triumphs. It is this route that the SATRC staffers, journalists, victims and other interested parties had to travel. Even their destination, East London, was itself politically relevant; Donald Woods edited the *Daily Dispatch* here.²⁴⁴

The hearing took place in the prestigious City Hall, a grand Victorian building crowned by a brightly coloured clock tower. Outside it, on that day, a giant banner hung above the entrance “The Truth Heals” (SR Episode 2, 35.00). Inside, in the main hall and on a podium, were arranged two tables facing each other (Ibid). A longer one, for Commission staff, facing the audience and a shorter one at which the victims sat with their backs to the audience (Ibid). Above the Commissioners hung another banner: “The Truth and Reconciliation Commission: Healing our Past” (Ibid). Krog recalled the hall as “packed from wall to wall. Even in the galleries people are sitting on the steps” (Krog 1999, 38). The Commissioners, staff, and audience are seated, and Reverend Finca leads the hall in a hymn whose title translates as ‘The forgiveness of sins makes a person whole’ (Ibid). All stand and the victims file in. The scene is nearly set. First, though, a final ceremonial act, as described by Krog:

Everyone stands with their heads bowed while the names of the deceased and disappeared who will come under the spotlight today are read out. A big white candle emblazoned with a red cross is lit. Then all the Commissioners go over to the row of victims to greet and welcome them, while the audience stays standing.²⁴⁵ (Ibid, 39)

²⁴³ The peculiarly South African phrase ‘to be banned to’ results from banning orders which, among other indignities and constraints, restricted the ‘banned person’ to a given area from which they were expected to achieve less damage to the regime.

²⁴⁴ Donald Woods, a close personal friend of Steve Biko, used the *Daily Dispatch* to condemn apartheid, hired black journalists, and became such an irritant to the regime that they eventually impregnated his child’s clothes with acid, forcing the family into exile. See Woods 1981.

²⁴⁵ As Krog notes, the reading of names of those who had died in police custody was the way all Black

The hearing begins. Tutu delivers the welcome speech, explaining the *raison d'être* of the Commission thus:

We are charged to unearth the truth about our dark past, to lay the ghosts of that past so that they will not return to haunt us and that will thereby contribute to the healing of the traumatised and wounded people for all of us in South Africa are wounded people. And in this manner to promote national unity and reconciliation. For Christians it is a significant thing. Now the first hearing happened at Easter time, when we commemorate the victory of life over death, of light over darkness, of goodness over evil, of justice over injustice, of truth over lies, of laughter, of joy, of peace of compassion over their ghastly counter parts in the glorious resurrection of saviour Jesus Christ. (Tutu during EC0007/96)

The hearing continued for four days and includes some of the better-known images of the truth commission; Tutu sobbing at his desk while Mr. Malgas tried to describe his torture and Nomonde Calata's scream of pain (SR Episode 2, 35.00). The four days were otherwise typical of the Commission's hearings. All South Africans were, as far as possible, represented, all manner of human rights violations were described, from bombs, to torture, to shooting, to children disappeared while 'over the border'²⁴⁶ (Department of Justice 2010a). It is also typical for its religious atmosphere, the prayers, candles, Tutu's frequent appeals to God, offering thanks or requesting help and healing. Crucially, for us, reconciliation was in this hearing already a priority. First the banners and their link to healing and notions of personal reconciliation, then the hymn praising and recommending forgiveness, Tutu's explanation of the mechanism, truth to healing and thence to reconciliation, the end point and goal. Then the hearings proper.²⁴⁷

Day 1, Mr. Webber

TUTU: Can I just ask one question please, what would be your attitude to perpetrators of this sort with regard to the whole hope for unity and reconciliation in the country?

WEBBER: What my attitude would be?

TUTU: Yes.

WEBBER: As I say it's not for me to decide, there are laws in courts for this. I've got a normal life to lead, I've got to think about myself. What happens to the guys that did this to me is for the courts to decide, not for me.

CHAIRPERSON: Wendy?

Sash meetings were concluded (Krog 1999). She describes the effect of one such reading after Mary Burton (then chair of the Black Sash) gave her organisation's submission to the Portfolio Committee on Justice: "name upon name upon name. They fall like chimes into the silence. Journalists stop taking notes, committee members put down their pens—stunned by this magnitude of death that is but a bare beginning" (Krog 1999, 39).

²⁴⁶ Shorthand for both working for the ANC undercover in South Africa and being in the training camps in one of the frontline states.

²⁴⁷ I have quoted extensively from these first four days, highlighting important mentions of reconciliation. While this section is lengthy, I would ask for patience as the statements made here will be referenced throughout the next two chapters.

PANEL MEMBER: If in the course of the Commission's investigative process, the perpetrators were to become known, and they applied for amnesty in terms of the law, and the Commission, which has a committee to look at that, were to be satisfied that they've made a full disclosure and that in terms of the tests for the granting of amnesty, they are entitled to amnesty, what would your attitude be? If they were granted amnesty in terms of the law?

WEBBER: This has happened to me, it's not forgotten about, it never will be forgotten about. It would be deep down inside, hurt to know that the guy would be a free man on the street if he applied for amnesty. To walk away a free person where he has killed innocent people, disabled innocent people and one just has to, if it is granted, to accept it. I'm not a magistrate or someone to stand up and give my say, what should happen to the guys but I think they should be tried and hear what their side of the story is before amnesty is granted to the perpetrators or to find out from them what their purpose of it was for doing innocent people with friends.

PANEL MEMBER: Thank you.

(EC0035/96)

Day 1, Mrs. Galela

GALELA: I learned that they were killed by the police and there was an allegation that he committed suicide, but I do not believe that. If you haven't buried your loved one, you always have suspicions that, "I didn't bury my loved one", and if they have killed my husband, I'd like him to be brought home again so that I can make a dignified funeral for him. I would like them to confess and state why they killed my husband and would like to know who were the perpetrators and the murderers of my husband, so that we can be able to reconcile. If we have washed our hands we will be glad, we'll reconcile because we'll never resurrect them. We will never make them live again. We don't want their disappearance to remain indefinitely. At least the truth must come. We are glad today that there is this Truth Commission and we appeal to it that it should to trace our husbands.

EC00005/96

Day 2, Mrs. Mfeti

MFETI: I have interest in the fact that if the Commission can succeed and make thorough investigations, just to get where my husband is, even if it is his remains, even if he was burned to death, even if you can get his ashes, even the bones belonging to his body, because no person can just disappear without trace. There will always be some trace to say he was found here. If I had an opportunity to bury him, I can already have reconciled.

EC0020/96

Day 2, Miss Mhlawuli

MHLAWULI: I would love to know who killed my father, so would my brother, I suppose, because it's very hard for us right now to do anything, because in order for us to forget, and forgive, we do want to forgive, but I mean I don't know what to say, we do want to forgive but I mean we don't know who to forgive, we don't know the killers, you know. And I must say we're all upset about this.

The hearing included a final statement concerning reparations, after which Tutu provided the following summation:

TUTU: I wanted to say this when Miss Mhlawuli was here ... I said after Ms Mazwai that I was deeply proud of the fact that I was black and that we have people of her calibre.²⁴⁸ We are proud to have people like you²⁴⁹ ... we won the struggle because of people like

²⁴⁸ Ms Mazwai gave testimony earlier in the day. Unfortunately, the final tape of her testimony seems to have disappeared from the SATRC archive. See EC0030/96

²⁴⁹ Miss Mhlawuli had seemingly left the hearing by this point. Tutu seems to be speaking to her mother, Nombuyiselo Mhlawuli, and perhaps also to the other three widows of the Cradock Four,

you; people of incredible strength. We have a tremendous country, which has got tremendous people, and you are one example of why we make it in this country. And that she, your daughter should say, I want to forgive, we want to forgive, after what she has experienced, and seen what happened to her mother and to her father, and she says, we want to forgive, but we want to know who to forgive. We give thanks to God for you, and thank you for your contribution to our struggle, and thank you, even if it was reluctant in a sense, rightly, thank you for sacrificing your husbands.

EC0028/96

Day 3, Mrs Savage

PANEL MEMBER: Is it important for you to have the identity, if the Commission can assist you to do so, to find out, is it important for you to have the identity of the people who are responsible?

SAVAGE: It's not important to me, but, and I've said this to many people, what I would really, really like is, I would like to meet that man that threw that grenade in a attitude of forgiveness and hope that he could forgive me too for whatever reason. But I would very much like to meet them.

TUTU: Thank you, I just want to say, we are, I think a fantastic country. We have some quite extraordinary people, yesterday, I had spoken about how proud I was to be black in seeing the kind of spirit that people showed in adversity, and now we're seeing another example, and I think it just augers so wonderfully well for our country. We thank you for the spirit that you are showing and pray that those who hear you, who see you will say, "Hey, we do have an incredible country with quite extraordinary people of all races". And it is important for us to know that in the struggle, awful things happened on both sides, and that we in this Commission should seek to be revealing all the truth about our country. Thank you very much.

EC0051/96

Day 3, Mr. Kohl

SANDI: Do you feel that it is necessary for your peace to be established, for you to know the family and be at peace with that family?

KOHL: I will appreciate that.

EC0041/96

Day 4, Mr. Jordan

JORDAN: The last thing maybe the Truth Commission has maybe an indication, the men have appeared, I don't know one of them, maybe the Truth Commission has an idea or it has a wish is there maybe a plan to rehabilitate them or whatever? Well that is something I want to have part, I want to get rehabilitation that will be conducted on those guys. I want this thing between me and him. I want to know the problem between me and him. I would like to talk to him. If there is any possibility of them repenting I want to be part of that process. It's then that I think I will be in a position to reconcile through the bitterness.....

TUTU: I think that every one of us must say that we have encountered some extraordinary people and I have said in the course of listening to the evidence that the oppressive system of apartheid did not stand a chance. The people who have come forward here are people of some quite extraordinary character. Thank you very much for your hospitality. as it hears the harrowing stories that you have been telling that there can be this willingness to forgive, this humaneness. On the one side you have a Mrs Savage saying the traumatic experience she has had has enriched her life and she wants to meet the person who did this in a spirit of forgiveness that she should forgive him and that he should forgive her. Extraordinary. And then the people from Cradock saying now something like a heavy burden has been removed from them. (Eastern Cape Unnumbered 1996)

Day 4, Mr. Stanford

SANDI: Mr Stanford, I don't like to ask people to give me their personal opinions on issues but it does happen sometimes that you have to ask people what do they think about

two of whom, Nomonde Calata and Sindiswa Mkhonto were present that day. Matthew's widow, Nyameka Goniwe, gave evidence later.

this and that. As you are aware that this is a truth and reconciliation commission, do you perhaps have any views to express on the issue of reconciliation?

STANFORD: Well I think reconciliation is taking place right now. It seems to me in the broader sense, in the narrow sense there are prosecutions pending and taking place I understand, for both sides. That is a matter of law, isn't it, it's not for us to interfere with that, but I think that reconciliation is essential if the country is to succeed at all and I think it's vital that it becomes part and parcel of everyone's life. Does that answer your question?

CHAIRPERSON: Just before I say thank you and ask you to stand down, I just want to let you know that we keep being struck by the extraordinary quality of people who have come before us, and I think it is unusual for someone to be able to speak as openly as you have done about your medical condition, and that you should be speaking with such remarkable lack of bitterness, and we just want you to know that on behalf of ourselves, and I think on behalf of many in our country, that we are enormously grateful and thank God for you.

STANFORD: Thank you Archbishop. Thank you very much for your patience

EC0078/96

Reconciliation here is no add on from amnesty as it seemed in the early negotiations for a commission, no vague aspiration as it seemed to the writers of the PNURA, no gentle amelioration of a harsh and dangerous truth as it appeared at the IDASA conferences. Here it is a key project of the Commission, given equal, if not slightly greater, time and emphasis to, for example, reparation or recommendations, two key deliverables so important in terms of the Act as to merit their own Committee.

When victims mention a willingness to reconcile, they are fulsomely praised by Tutu, as with Mhlawuli, Savage, Jordan and Stanford (EC0028/96, EC0051/96, Eastern Cape Unnumbered 1996, EC0078/96). When victims do not mention reconciliation, they are prompted to do so by a panel member, as with Webber, Savage, Stanford and Kohl (EC0035/96, EC0051/96, EC0078/96 and EC0041/96). There are correct and incorrect responses to such prompting; Mrs. Savage wanted mutual forgiveness and Tutu responded by suggesting that she was emblematic of why South Africa was a wonderful country (EC0051/96). Webber responded incorrectly; first saying reconciliation was for others, then, when questioned again, referring back to his pain and trauma (EC0035/96). He was thanked briefly by Orr, not Tutu, to whom Tutu had handed the questioning when Webber failed to give a correct response to Tutu's initial inquiry about reconciliation (Ibid). Webber then quickly left the stand (Ibid). He was not considered emblematic of why South Africa was wonderful. Miss Mhlawuli who mentioned reconciliation without prompting, is not simply praised for her attitude, but told by a Nobel peace prize winning Archbishop on national television that she makes him proud to be a black person (EC0028/96). It would be difficult to overstate the impact of such honours.

Not all references are directly to reconciliation; Mhlawuli and Savage speak about forgiveness, an idea closely related to deep understandings of interpersonal reconciliation (EC0028/96 and EC0051/96). Sandi, an HRVC member, talks about 'peace' (EC0041/96), the word for which in the Nguni languages was chosen by the Commission to mean reconciliation (Gobodo-Madikizela 2008). Note also that reconciliation work is not equally shared by Commission, but borne in large part by Tutu and Sandi. Orr becomes involved only at Tutu's request, presumably because she was part of the team that briefed Webber, and rephrases her question away from reconciliation (EC0035/96). Savage's reconciliation reference is in response to an unnamed panel member's tentative question about meeting 'her' perpetrator, rather than the other, more direct, invitations to reconcile (EC0051/96).

Finally, there seem to be two related routes to the reconciliation mentioned. The first is learning the truth, the second meeting the perpetrator. Orr re-interprets Tutu's reconciliation as Webber's attitude to his perpetrators (EC0035/96). Galela speaks of reconciliation as related both to learning the truth "we'll reconcile because we'll never resurrect them. We will never make them live again. We don't want their disappearance to remain indefinitely. At least the truth must come." (EC00005/96) and meeting the perpetrator of her husband's murder "I would like them to confess and state why they killed my husband and would like to know who were the perpetrators and the murderers of my husband, so that we can be able to reconcile." (Ibid). For her these two are intimately linked; only the perpetrators know the truth, and only in saying the truth and confessing can she consider reconciliation with them. Mhlawuli would, I think, concur, she succinctly explains her views on forgiveness as "we do want to forgive but ... we don't know who to forgive" (EC0028/96). Mfeti has disentangled the two; perpetrators are not part of her reconciliation discourse, because she believes the SATRC may be able to find the truth, and perhaps also her husband's body (EC0020/96). She says that "If I had an opportunity to bury him, I can already have reconciled." (Ibid). Savage, on the other hand, does not need to know her perpetrators' truth, she simply wants to reconcile with them; she says it is not important to know about them, but rather simply to forgive them, and ask them to forgive her (EC00096). Kohl, with less enthusiasm, seems to accept this model; he agrees he would 'appreciate' knowing his perpetrator (EC0041/96). Both these routes, meeting the perpetrator and learning the truth, directly endorse the Commission's work: it does, after all, aim to collect both truth and

perpetrators. The Commission is thus a possible vehicle for reconciliation, and offers seem to be being made that given perpetrators will be hunted down or specific truths researched. Mr. Stanford goes so far as to suggest the Commission is actively doing reconciliation right there and then in the City Hall (EC0078/96).

By the end of the first hearing reconciliation is firmly intertwined in the Commission's public image: it has become the Truth and Reconciliation Commission, where, as Sandi emphasised, both truth *and* reconciliation are important goals. By the end of the four days, with video footage and audio tape of reconciliation beamed around the world, and perhaps more importantly translated into all eleven of South Africa's official languages and transmitted live on South African radio,²⁵⁰ reconciliation was seen to be at the forefront of the SATRC's efforts to heal South Africa.

Insiders' views of a Reconciling Commission

Interviewees had varying reactions to questions about the image of the SATRC as reconciliation centric. Some, like Burton (2008), nodded wearily and tried to explain how and why reconciliation was important, others, like Fullard (2008), who worked on the writing of the Report, rallied all available evidence to prove that this was in fact a poor reflection of the Commission's work. All interviewees were aware of the perception and most seemed to have been questioned about it too frequently; responses were more practised than for any other answer save their own biographies. The most common response was that reconciliation work had not, in fact, been a direct priority. There are four types of interlinked explanation for this: 1. other goals were more important and reconciliation thus neglected, 2. *achieving* reconciliation was not the aim of the Commission, but rather it aimed to *promote* reconciliation; 3. the SATRC's internal assumptions about the mechanism of reconciliation meant that simply to carry through the rest of the mandate was in fact to do reconciliation work; and 4. reconciliation required other elements not mandated to the Commission and thus no one could reasonably expect the Commission to do reconciliation.

²⁵⁰ Literacy in South Africa is, while improving, not total and is complicated by multilingualism. Further, to buy a newspaper on a daily basis is to commit monies which might be needed elsewhere. Televisions are expensive and require vast amounts of electricity in a country where, in 1998, around 40% of households were without access to electricity (Malzbender Undated, 6). Radios are relatively cheap and able to be powered by batteries. Radio was thus able to reach more people than other media.

Reconciliation as a Secondary Goal

First, then, to turn to those who said that reconciliation was neglected in favour of other goals. Many felt that the SATRC's main aim was truth finding and truth telling. For M Naidoo, one of the Commission's regional managers and long time anti-apartheid activist, the SATRC's publication of the truth about the apartheid era was proof that "we were not crazy. It did happen ... validated what we did in the 80s ... validating an effort of a country ... people thought we were exaggerating, especially in the white community" (M Naidoo 2008). Bizos said "the purpose of holding the Commission and the Amnesty Committee was to record the wrongs done which enables people to say to those who deny history and reality, go and look at the record. And it discourages the allegations that those things never happened" (Bizos 2008).

Russell Ally (2008) felt that the Commission was an end to impunity for human rights violators; that while they would not receive traditional punitive justice, colleagues, friends and relatives of perpetrators would know of their misdeeds. Commissioner Richard Lyster also prioritised truth over reconciliation; he is noted by Kenneth Christie as believing that the SATRC was "distinctly a truth commission as opposed to a reconciliation commission" (Christie 2000, 206). His colleague De Jager said, "I don't know why, but I think reconciliation was in the end neglected. They wanted the truth" (de Jager 2008). 'They' here means the rest of the Commission, from whom de Jager was relatively divorced in sentiment.²⁵¹ Burton (2008) felt that while reconciliation started out as important, in the end, the Commission sidelined reconciliation in favour of other goals. Both Finca (2008) and Lax (2008) felt that the work for which the Commission directly aimed was truth, and that work towards reconciliation directly was lacking. Some interviewees were more critical of the idea that the truth commission focused on reconciliation. Vally (2008) described the lofty language of the preamble to the PNURA as "feel good fluff", the SATRC's focus was, he said, the search for truth (Ibid). Malan argued forcefully that there was "no brief in the Act for reconciliation of any kind" and "no charge whatsoever that the Commission has to achieve reconciliation in any way" (Malan 2008). Fullard worked hard to demonstrate that there was little or

²⁵¹ De Jager and the rest of the Commission fell out a number of times and eventually he resigned (SAPA 1997a). The eccentricity of de Jager's political views must have been a contributory factor and can perhaps best be explained with reference to his, possibly former, membership of the AWB (Kemp 2008, 60), the extreme far right group headed by Eugene Terre Blanche before his death. De Jager continues to hold at least similar views; the gentle explanation of why he should not be forced to live with black people during our interview was upsettingly seductive.

no emphasis on reconciliation in the day to day work of Commission staff: “if you look at the structure of the truth commission, the deployment of staff etc, there were just a handful of reconciliation events, no staff for reconciliation, no budget for reconciliation” (Fullard 2008). She called reconciliation “a secondary or background aim” that did not compete or compare with their primary aim of getting to the truth of the past (Ibid).

In terms of staff time and budget, she appears to be correct. Hoosain, the Finance Director, could not recall any reconciliation budget (Hoosain 2008) and most staff when asked if they could remember working towards reconciliation were vague or mentioned small, individual acts. Hoosain remembered seeking donations for the fund for reparations (Ibid), Fullard herself trying to find a deponent for a given hearing (Fullard 2008), Orr small acts of kindness to victims (Orr 2008), Ally not being overly combative with a victim’s family²⁵² (Ally 2008), and Lax a given reconciliation event between Brian Mitchell and Trust Freed (Lax 2008). No one provided a sure and steady effort solely directed towards achieving reconciliation. No one remembered a central SATRC policy offering guidance to staff on how to achieve or promote reconciliation.

‘Promoting’ reconciliation

This lack of emphasis on reconciliation work within the Commission was defended by several interviewees in terms of the PNURA. The relevant passage reads:

- 3.(1) The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by-
- (a) establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights ...;
 - (b) facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts...;
 - (c) establishing and making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims ...;
 - (d) compiling a report ... which contains recommendations of measures to prevent the future violations of human rights.
- (PNURA 1995)

Thus, the Commission must *promote* reconciliation through the four mechanisms, not achieve, conduct or do, but *promote*. Browne, Lax and Camerer all mentioned this

²⁵² Churchill Mxenge took the Commission to the Constitutional Court, attempting to undermine the basic premise of the Commission that it was possible for amnesty to be granted by arguing it was unconstitutional. Ally talked to me about how gentle the Commission lawyers had to be towards the family, abandoning traditional lawyerly combative practice. He felt that this was a reconciliatory act (Ally 2008). Mxenge’s parents, Griffiths and Victoria, were both murdered during apartheid; Griffiths by the apartheid state, and Victoria by either state or IFP operatives.

explicitly (Browne 2008, Lax 2008, Camerer 2008). Storey talked about the Commission 'modelling' reconciliation for South Africa (Storey 2008) and Max du Preez argued it should 'enable' reconciliation (du Preez 2008). Marcella Naidoo said the Commission needed to 'touch on' reconciliation (M Naidoo 2008). 'Promote' itself is a fairly ambiguous word; I asked respondents for definitions and these ranged from 'promote' as in 'market', to 'promote' as in 'to facilitate', or 'to provide conducive conditions for' reconciliation. Again, there is an ocean of difference between these meanings and again the Commission failed to provide guidance on an official definition either internally or externally. One can see all three 'promotes', market, facilitate and provide conditions for, in the first hearing. In playing out all the reconciliation speak, and in praising those who use it, the Commission *markets* reconciliation as a worthy cause, in offering to introduce victims and perpetrators they were offering to *facilitate* reconciliation, and in offering to find the truth for some victims they, at least in some victims' opinion, *provided conditions conducive* for reconciliation.

Achieving truth as furthering reconciliation

This final type of reconciliation activity, providing truth, relates strongly to another reason my respondents gave for the lack of direct, obvious reconciliation work within the Commission. The SATRC assumed (or rather gave the appearance of assuming) that revealing the truth would lead to, facilitate or provide the necessary conditions for reconciliation. There was thus no need to do direct reconciliation work because all work towards truth was in fact also work towards reconciliation. As du Preez said, the Commission's role was to "do the work, expose the truth ... so that we can know the truth, so we can forgive each other and live together in peace" (du Preez 2008). Browne (2008) spoke similarly; recall that her definition of reconciliation required truth to be learnt in order understanding be possible. The SATRC could uncover the truth, but it could neither force the learning of that truth nor an understanding of the other (Ibid). Burton said after a first phase of strong reconciliation centred messages and ideas of the SATRC reconciling the nation, the Commission set itself "the goal of creating a climate where, by telling and hearing the truth, barriers would come down and we'd talk to each other" (Burton 2008). Finca remembered, "there was a feeling that there is a primacy of finding the truth, because as we confront the truth, properly, then we are going to find reconciliation" (Finca 2008). For Fullard "reconciliation would be a consequence of placing into the public domain that which wasn't known" (Fullard 2008). Goldstone

believed “learning leads to reconciliation” (Goldstone 2008). Peter Reynolds was deeply committed to this assumption; he explained to me his “main motivation for joining [was] there can be no reconciliation without truth” (Reynolds 2008).

While the above interviewees continued to endorse the assumption that truth leads to reconciliation, others seemed to feel it was of more questionable validity. Bam’s (2008) complaint that the selection panel did not sufficiently examine the mechanism of reconciliation comes under this category, as does the discussion I had with Fourie, who noted with some bitterness that the “TRC understood that there would be enough questions and enough answers to questions to allow reconciliation”, “that in telling the truth, reconciliation would happen. It was considered a consequence of telling the truth” (Fourie 2008). In the process of explaining why the SATRC did not conduct more reconciliation centred activities, Maki said “perhaps we thought that reconciliation would come as a natural consequence of truth telling”, (Maki 2008) seemingly regretting the mistake he had made. Nyobole also commented on this assumption, saying as the SATRC did “a lot of truth telling”, insiders believed reconciliation would happen automatically (Nyobole 2008). The assumption truth leads to reconciliation has two critical implications for reconciliation’s role within the SATRC. The first is that the SATRC’s only necessary role in promoting reconciliation was to promote the truth. The second is that the SATRC *cannot* achieve reconciliation by itself. It can only provide the tool (truth) for reconciliation, others must engage with that tool in order for reconciliation to be achieved. The assumption does not claim truth telling as a sufficient condition for reconciliation, but rather a necessary one, a condition that must be met before reconciliation can be achieved, but not one that, alone, will achieve it.

The strange thing about this assumption is no one can remember it being official SATRC policy.²⁵³ As far as my interviewees were concerned, it was neither discussed nor agreed within the Commission except behind the scenes, in informal conversations between groups of individuals. While ‘corridor diplomacy’ is recognised as a valid tool to forward negotiations, I have not seen it praised without reference to more formal

²⁵³ Although Alex Boraine, one of only two Commissioners (the Chair and his deputy) permitted to speak to the press, did discuss it in interviews, explaining in one that: “The commission believes that you cannot have any kind of reconciliation without the truth ... truth in itself cannot bring reconciliation but you can't have reconciliation if you do it on the basis of saying it never happened” (Boraine 1997a)

methods of discussion.²⁵⁴ The SATRC had no such formal discussions, relying instead on what Lax calls ‘inarticulate premises’ (Lax 2004, 225).²⁵⁵ Thus Malan can continue to believe reconciliation was not part of the mandate while his fellow Commissioner, Burton, can describe a decision to shift the emphasis of the SATRC from reconciliation itself to truth which will help others to do reconciliation. Staff members like Reynolds, Maki and Fullard are left to make their own decisions and continue in their own beliefs. Victims like Fourie are forced to discern what the SATRC believed through observation and guesswork.

The closest we have to a formal decision that truth leads to reconciliation is the section of the PNURA quoted above. This section states the Commission must promote reconciliation through four tasks: truth, amnesty, restoring dignity to victims and providing recommendations in a Final Report. However, recall Villa Vicencio stated categorically that the people who wrote the Act did not believe that the reconciliation was generated by truth telling and that Bizos argued reconciliation was not significant in planning the PNURA; reconciliation was to the SATRC as democracy was to preventing terrorism. When the Act was written, reconciliation was not discussed, defined nor did it have its mechanism questioned. The closest the assumption that truth lead to reconciliation has to an official origin became official by accident.

Necessary conditions for reconciliation

Similarly, the SATRC did not, during its lifetime, provide an official explanation of what it considered other necessary conditions for reconciliation. Several interviewees complained it should have been obvious the SATRC could not achieve reconciliation because it did not control what they considered to be necessary conditions. These will be discussed later. It is however important to note some interviewees felt the presence of necessary conditions beyond the Commission’s remit should have alerted outsiders the SATRC would not achieve reconciliation within its lifetime. Section 3 of the PNURA cited above provides the SATRC additionally conduct three extra tasks in

²⁵⁴ The following passage from M J Peterson is typical in this regard “While quiet ‘corridor diplomacy’ at UN Headquarters is often used to help settle problems, the assembly’s public meetings allow parties in a conflict to advance their claims, criticize other parties’ claims, and seek support from other governments by appeals to their delegates or to public opinion through media publicity. Public meetings also permit individual or collective displays of strong emotion” (Peterson 2006, 80). Here corridor diplomacy is described as a useful corollary to formal debating, not a valid alternative.

²⁵⁵ Lax’s explanation of reconciliation as an ‘inarticulate premise’ of the SATRC will be discussed later.

addition to truth finding, although the relationship of these to reconciliation was presumably subject to the same lack of rigour suffered by the truth to reconciliation mechanism. It is common in South Africa to argue reconciliation cannot be achieved until two of these are dealt with: the recommendations and the reparations,²⁵⁶ Neither the recommendations (from 3d) nor the reparations (from 3c) carried any legal force once the SATRC had finished recommending them and both were neglected by government. It is perhaps logical to point out, as a number of my interviewees did, the SATRC could not achieve reconciliation while these two key elements of the SATRC remain unfinished. Outwith the SATRC's remit altogether are several further necessary conditions the presence of which interviewees said made apparent the SATRC's inability to reconcile the nation by itself: time (Bam 2008, M Naidoo 2008, Burton 2008, Lax 2008, Reynolds 2008 and Meiring 2008), the interlinked issues of race, racism and inequality (Finca 2008, Fullard 2008, du Preez 2008 and Jobson 2008), and public support (Storey 2008, Burton 2008, Finca 2008, Meiring 2008, Lax 2008, Orr 2008, M Naidoo 2008, Nyobole 2008, Mgojo 2008, Browne 2008 and Watson 2008).

To take the first of these: time. Time has already been mentioned in terms of a necessary condition, when Bam talked about Mandela's warning to her that reconciliation in South Africa would take many years after the SATRC. It is clearly an idea that had currency, at least in some circles, before the Commission began its work. Marcella Naidoo believed that while time was key to reconciliation, the Commission should have "made it clear that reconciliation was to be a lifelong work for this country" (M Naidoo 2008). While she, an insider, knew reconciliation was a long-term goal, she felt the public should have been reminded. Burton, who talked about a shift in reconciliation policy, argued that the Commission did, in fact, tell people that reconciliation required time, that "with such a short shelf life" (Burton 2008) the Commission could not achieve reconciliation. Lax argued the SATRC "was designed to kick off the reconciliation process" (Lax 2008), not complete it. Reynolds (2008) and Meiring (2008) talked about reconciliation as a long, arduous process that had only just

²⁵⁶ The recommendations of the SATRC were explicitly aimed at encouraging reconciliation (see SATRC 1998, Vol 5, 304. The reparations were more contested as a mechanism for reconciliation. While sometimes the South African government, for example, seemed to concur with this thesis, announcing their meagre reparations policy to SATRC victims saying "Final reparations payment is part of a broader national process". (Department of Justice spokesperson cited in AFP 2003a), Thabo Mbeki regularly downplayed the contribution of reparation to reconciliation. In the academic literature, see Orr 2000a and Burton 2004 for a repetition of reparation to reconciliation and Duxtader 2004 for a discussion thereof.

begun in South Africa. I would suggest that the idea that reconciliation is a long-term goal and process has gained such currency in the literature²⁵⁷ that few of my interviewees would argue that reconciliation is actually a quick, tick box exercise. What is interesting is the suggestion everyone else should have realised this and translated the Commission's reconciliation messages into the format of a long term process, rather than something which could be obtained from the truth or meeting a perpetrator in the form of instant gratification.

More controversial as a necessary condition for reconciliation is a method for dealing with race, racism and inequality and the links between the three. These requirements need a brief introduction to the argument that links the three together and thence to link them to reconciliation. The argument goes that the link between race and inequality is, in large part, the legacy of apartheid. Not the illegal apartheid on which the SATRC focussed, but the legal apartheid, the Bantu Education Act, the forced removals, the restrictive employment laws, the deliberate creation of a subclass who existed purely to serve the needs of their white superiors.²⁵⁸ This subclass, denied an education, prohibited from the better jobs, forced to live apart from family and community and told repeatedly that they were slightly less than human have become today's poor black majority, riddled with crime, joblessness, and HIV.

This argument, linking yesterday's apartheid with today's racial inequality, surprisingly, is controversial and, unsurprisingly, this controversy is split down political lines. The ANC rehearsed the argument in the introduction to their 'Reconstruction and Development Programme' as follows:

Our history has been a bitter one dominated by colonialism, racism, apartheid, sexism and repressive labour policies. The result is that poverty and degradation exist side by side with modern cities and a developed mining, industrial and commercial infrastructure. Our income distribution is racially distorted and ranks as one of the most unequal in the world – lavish wealth and abject poverty characterise our society. The economy was built on systematically enforced racial division in every sphere of our society. Rural areas have been divided into underdeveloped Bantustans and well-developed, white-owned commercial farming areas. Towns and cities have been divided into townships without basic infrastructure for blacks and well-resourced suburbs for whites. Segregation in education, health, welfare, transport and employment left deep scars of inequality and economic inefficiency. ... Cheap labour policies and employment segregation concentrated skills in white hands. Our workers are poorly equipped for the rapid changes taking place in the world economy. ... There is not a single sector of South African society, nor a person living in South Africa, untouched by the ravages of apartheid.

²⁵⁷ As discussed earlier.

²⁵⁸ See Chapter 2 for a discussion of apartheid.

Whole regions of our country are now suffering as a direct result of the apartheid policies and their collapse. (ANC 1994)

The former State President, FW de Klerk failed even to admit the existence of such an argument in explaining his views on black poverty:

The roots of black poverty lie on the one hand in unemployment and on the other in the fact that the poorest South Africans continue to have the largest families. The main cause of black poverty is unemployment, which increased for the black population from 36.2% in 1995 to 46.6% in 2002. Less than 10% of the total number of people in the poorest decile of the population are employed compared with more than half of the total number of people in the top income decile.

What then is the main cause of unemployment? Many relevant answers come to mind – including

- * retrenchments resulting from the intense competition in the globalised economy;
- * lack of skills and training;
- * sluggish foreign and local investment in the economy; and
- * competition for jobs from the huge and growing number of illegal immigrants.

However, another central cause is South Africa's present labour legislation. It has raised the real cost of labour way above levels in other emerging economies with which we must compete in global markets. High costs and over-regulation are a major disincentive to the creation of new jobs – particularly for small and medium size businesses. Clearly, we need to develop a labour system that establishes basic minimum standards for all. However, in a country like South Africa much greater flexibility is required, especially for medium size and small businesses.

Family size is another factor in the perpetuation of poverty. It stands to reason that the more people there are in a family, the fewer the resources there will be to provide decent care and education.

We also need to improve service delivery to the poorest sectors of our society. Efficient education, social services and health services can greatly help to improve the basic living conditions in which poor people live. All these factors lying at the root of poverty in South Africa need to be dealt with in a concerted and imaginative manner. (de Klerk 2004)

De Klerk always speaks carefully, and would probably regard himself as a centrist, but there is no acknowledgement here that apartheid played even a small role in dividing his country, in creating what Eric Louw calls a “poverty stricken underclass” (Louw 2004, 182). Some of those formerly represented by the NP and de Klerk,²⁵⁹ would go further and argue that black people who remain poor today must not look to history to explain their circumstances, but their own personal inadequacy. In formal political arena, this is a polarised non-debate; it has no voice.²⁶⁰ Nonetheless, in the minds of many of my

²⁵⁹ Both de Klerk and the NP have now retired from politics. De Klerk retired in 1997. The NP renamed itself the New National Party in 1997, the remaining MPs of which party joined the ANC in 2005.

²⁶⁰ This is perhaps because the right wing do not have substantial voice in formal political arena. While they maintain positions of influence and in large part retain their wealth, with the demise of the NP, and the extreme views of the Freedom Front Plus, the closest the ‘white right’ have to proper political representation is the Democratic Alliance (DA). The DA, who gained around a sixth of the vote in the last election (IEC South Africa 2010), are not currently engaging with this debate. The DA leader, Helen Zille, recently argued that “Up until now the ANC has used history as a scapegoat to explain its failures. Whatever goes wrong, blame apartheid. The DA recognises that apartheid's bitter legacy is still very much with us, and will take a long time to overcome. But we believe that efforts to eradicate it are hampered when we hide behind “apartheid” to avoid taking responsibility

interviewees and many of the people I met during fieldwork, it is perhaps the most important political debate South Africa could have.²⁶¹

Finca (2008), Fullard (2008), du Preez (2008), and Jobson (2008) all argued that the SATRC failed adequately to address the historic roots of inequality or its impact on modern efforts towards reconciliation. These arguments can be made separately; an interviewee could argue that either that segregation imposed by inequality hampered reconciliation or that either inequality or segregation hampered reconciliation without mention of the other. Thus, Burton's (2008) complaint that one cannot reconcile if all one knows of the other is known through the prism of the employer/employee relationship, and Marcella Naidoo argued, "if we don't get inequality right, much of the reconciliation work at a racial level is not going to have currency" (M Naidoo 2008). Neither mentioned the historic roots of this inequality but given that both have headed the Black Sash,²⁶² I would find it very surprising if they did not only admit, but endorse the arguments of Finca, du Preez, Jobson, and Fullard.

Finca (2008) addressed this issue with a parable common in South Africa, which has been used publicly by Tutu and Storey²⁶³ among others, giving me a story to illustrate why reconciliation was impossible without addressing the historic roots of inequality. The story goes something like this: One day, a man stole his neighbour's cow. The neighbour was very upset; the cow was the only form of income he had, and any milk he did not sell, he gave to his children to keep them strong and healthy. It was a sore loss, and consequently the thief and his neighbour the victim were not on good terms. The argument and division caused problems in the village, and eventually the elders appealed to the thief to reconcile with his victim. After some coaxing, the thief saw sense, and next morning he went round to see his neighbour, explaining he wanted to reconcile. This victim was very pleased about the reconciliation and offered the neighbour some breakfast to celebrate. After a while, the thief got up to go. 'But hang

for our current failures." (Zille 2010). Such bland, palliative comments do not contribute to the debate.

²⁶¹ All over South Africa, I eavesdropped on this debate in bars, private homes, hostels, buses and beaches.

²⁶² The Black Sash, recognised by Nelson Mandela as "the conscience of white South Africa," (Mandela 1990, cited in Copeland, Lamb and McKenna 1999, 883) in his first speech after leaving jail, is a women-only human rights organisation. Before his release, the largely white membership focused on campaigning against apartheid through various non violent means. Their work during this period is remembered particularly for its role in the moratorium on the death penalty and the silent protests they instigated. See Black Sash 2010.

²⁶³ Notably, all are clergymen. Archbishop Tutu, Bishop Storey and Reverend Finca.

on', said the victim, 'where is my cow you stole?'. The thief was visibly shaken 'Ag, now, you're really spoiling a great day. We are talking reconciliation and all is good. Why do you want to bring up that old cow?'. I never found out if the cow was returned. This is not the point. The point is that white South Africa needs to be prepared to address the damage done to black South Africa, to admit that this damage was done and to make amends for it.

This was not part of the SATRC's remit, in du Preez's words "it addressed the smallest part of apartheid" (du Preez 2008). It could not force, though it did recommend considering, a tax of some kind to begin the process of returning that which was taken.²⁶⁴ When Jobson talked about the interconnection between power, race and inequality, when Fullard expressed her horror that this was not addressed, it is the cow, and its rightful owner in South Africa today that they examined. However, when I asked Clark if she thought inequality damaged efforts towards reconciliation, she found the question strange, answering that of course inequality had no effect on reconciliation efforts. While Burton, Fullard and Jobson felt that the SATRC's lack of (possible) action on racial inequality and its origins meant that it could not achieve reconciliation, Clark, who had been involved in truth commission preparation since 1992, was quite certain inequality was irrelevant. Equally, Finca's cow story was told to me in almost exactly the same words by his colleague at the Independent Electoral Commission (IEC) in East London, Reynolds,²⁶⁵ but for him the stolen article was not compared to inequality and its racial overtones and origins, but rather truth and a lack thereof. Two people who had worked closely together for years were of very different views as to the meaning of the same, well known, parable. For one it demonstrated the importance of repairing inequality given its causes, for the other, it did no such thing and nor was such attention necessary. There simply was no agreement about this key question; it was not addressed by the SATRC internally and thus the range of opinions on it was vast even between insiders. It is unsurprising that the politicians cannot talk about the apartheid

²⁶⁴ The (most) relevant passage reads: "The feasibility of the following as a means of empowering the poor should be considered: * a wealth tax; * a once-off levy on corporate and private income: * each company listed on the Johannesburg stock exchange to make a once-off donation of 1% of its market capitalisation; * a retrospective surcharge on corporate profits extending back to a date to be suggested; a surcharge on golden handshakes given to senior public servants since 1990; the suspension of all taxes on land and other material donations to formerly disadvantaged communities" SATRC 1998, Vol. 5, 319

²⁶⁵ The only real difference being that for Reynolds, the stolen item was a bicycle. Krog (1999, 164) also discusses the story in terms of a bicycle, citing its author as Father Mxolisi Mpambani.

origins of inequality, how that inequality continues to affect inter-racial relations, and how best to interfere with this relationship, which is beginning to bear the hallmarks of a positive feedback loop.

Less controversial is the argument that reconciliation requires public support for or willingness to engage with efforts towards reconciliation. This is a very common theme in SATRC insiders' accounts²⁶⁶ and very common in my interview notes. The SATRC cannot, the argument goes, reconcile the nation if the nation does not want to be reconciled. Storey, Burton, Finca, Meiring, Lax, Orr, Naidoo, Nyobole, Khoza Mgojo, Browne and Watson all spoke of the difficulty of involving certain segments of South African society. Those involved in Kwa Zulu Natal (Watson 2008, Lax 2008 and Mgojo 2008) talked about the dearth of support within the IFP;²⁶⁷ Watson recalled SATRC staff being hurriedly evacuated from Estcourt²⁶⁸ when locals threatened their safety. The IFP were hostile to the Commission from the beginning; their leader Mangosuthu Buthelezi was determined that the Commission was designed not as a witch hunt for the 'white right' but for Inkatha, perhaps specifically for him. He recently explained his theory was the result of early inside information that the ANC was "to set up a commission which will expose Buthelezi as the murderer that he is ...

²⁶⁶ Boraine (2000a) and Tutu (2000a) have both noted sadly the lack of participation from the white communities, as have Orr (2000b) and Meiring (1999).

²⁶⁷ The IFP has strong links with Zulu ethnicity and is widely supposed to generate its vote from Zulu speakers (Deegan 1999, 51-58). It would dispute the suggestion that its support is largely Zulu, although it should be noted that the only province in which it gains a substantial vote is Kwa Zulu Natal, home of the Zulu nation (Ibid).

²⁶⁸ Estcourt in KZN is a small town of around 60,000 people in the beautiful Natal Midlands. I wanted to include the SATRC's statements on all Estcourt's victims in this footnote, but having researched the violations in Estcourt, now understand this is not possible. The following summary uses data from Vol 6 of the SATRC report; original victim reports will be included in Appendix X. All one hundred and thirty three violations in and around Estcourt occurred between 10 May 1989 and 10 May 1994. While the perpetrator is not known in some cases, out of a total of one hundred and thirty three violations, only three are blamed on the apartheid regime. The majority of violations were the result of what the SATRC calls the 'political conflict between the ANC and the IFP'. Non-fatal gross violations of human rights in the Estcourt area recorded by the SATRC numbered fifty eight. Of these violations, twenty six are solely arson attacks on homes, leading to the total destruction of the home, but with no recorded serious injuries sustained by the householder; six were arson attacks on homes, leading to the total destruction of the home, and with a householder sustaining serious injuries either relating to the fire or additional beatings/shootings; nineteen were non fatal shootings, and seven were multiple or non specified injuries and violations. The SATRC was informed of seventy five deaths in the vicinity of Estcourt. Forty seven people were shot dead, ten people were stabbed and/or hacked to death, three people were burnt to death, two people died as the result of hand grenade attacks on their home, two people were stoned to death, one with hands bound, one person was beaten to death, five people died of multiple traumas, these traumas comprising throat cutting, shooting, stabbing and beating, and five people died of unnamed or unknown injuries. Of the people that died and whose ages at the time of their death are known, seven were children, the youngest of whom was two. (Data SATRC 2003, Vol 6, analysis author's own)

that one of the targets of the Truth and Reconciliation Commission was to demonise me and my Party.” (Buthelezi 2009). Believing this, he did not encourage participation from IFP members.²⁶⁹ In interview, Watson (2008), Lax (2008) and Mgojo (2008) bemoaned the consequent lack of IFP support, as has KZN lead Commissioner Richard Lyster in statements on behalf of the Commission and elsewhere (Lyster 1997, Lyster cited in *Windows of History* 2000). Tutu (1999), agreeing with his colleagues in the KZN office that the lack of participation by the IFP damaged efforts towards reconciliation, argues in his memoir that:

Despite our sustained efforts, we were also unable to gain the committed participation of the Inkatha Freedom Party. ... Their official participation was lukewarm at best, and far more frequently it bristled with hostility. They told their members they should approach the Commission only after we pointed out to Chief Buthelezi that ordinary members of his organisation would not qualify for the reparations ... unless they first testified to the Human Rights Violations Committee (Tutu 2000a, 185)

While Buthelezi did not prevent his supporters from making submissions to the HRVC, his continued assertions that the Commission was “a joke and a witch-hunt” (ANC 1996a) is unlikely to have inspired the confidence necessary to tell the most intimate details of one’s most painful memories to the HRVC or admit one’s participation in gross violations of human rights to the AC. Volume 5 of the Report notes that relatively few IFP members surmounted these fears and contributed to the Commission. Watson’s recollection of the reception SATRC staff enjoyed at Estcourt from the IFP, resulting in their evacuation from the area, underlines the effect the lack of IFP support had on non-IFP supporters. In areas where the IFP had a strong presence, and where local IFP leaders were particularly strongly opposed to the truth commission, they could prevent anyone, regardless of political affiliation, from contributing to a Commission. In the case of victims in and around Estcourt, the Commission could not physically get to them because of violence targeted at SATRC employees. Despite this, the SATRC managed to document 133 violations in the area (SATRC 2003, Vol 6). It is not possible to determine how many more cases they might have documented were they to have been given a warmer reception, or to have enjoyed support from the IFP. This lack of support has two possible negative effects on efforts towards reconciliation. First, it is unlikely that someone actively opposed to reconciliation is going to be reconciled. Second, if it is correct that truth is necessary for reconciliation, and given that the major

²⁶⁹ His party also abstained from the vote in Parliament forming the Commission “on the grounds it feared a lack of even-handedness” (SATRC 1998 Vol 1, 53).

way the SATRC discovered the truth was through victim statements, then by not giving a victim statement to the SATRC, a person actively damages others' reconciliation.

While the KZN office focused on the lack of participation from Inkatha, the rest of the Commission talked more about the failure of the white, especially the Afrikaner, population to become involved with the SATRC and thus reconciliation (Boraine 2000a, Meiring 2008, Reynolds 2008, M Naidoo 2008). This complaint was spearheaded by Desmond Tutu, who, in one commentary of the work of the HRV hearings concluded that while the SATRC had laid the foundations for reconciliation "The rest is up to each and every one of us" (Tutu 1998a) and began one press conference with the following prayer "Please God give me a moving eloquence to persuade my white compatriots... Come eagerly, come enthusiastically, and join the healing, the reconciling side. Your ultimate survival depends on it." (Tutu cited in SAPA 1997b). His autobiography displays his anger at those in the white community, particularly opinion formers, who failed to contribute to the Commission's work:

So many white people in South Africa have come to see themselves as entitled to reconciliation and forgiveness without their having to lift so much as a little finger to aid this very crucial and demanding process... I have to note sadly that a very large section of the white community have forgotten, far too easily and far too soon, that our country was indeed on the verge of a catastrophe (Tutu 2000a, 125-6).

So important was this to Commission insiders that the *Special Report*, the weekly television programme on the SATRC, included a segment aimed at encouraging white participation in the Commission, with contributions from presenter Max du Preez, the Premier of the Northern Cape, and Commissioners Ntsebeza, Burton and Orr (Special Report Episode 8 1996, 11:45-16.00).²⁷⁰ Commissioners gently chided the white community for their lack of support, offering explanations as to why they might not have contributed in the past, promises that any contribution would be gratefully received, and hopes that future commitments towards reconciliation would yield benefits in the future. The Commission, represented by three Commissioners and a flagship television programme,²⁷¹ seemed almost to be begging the white community to take part; arguing that without their participation, reconciliation was not something in

²⁷⁰ This segment was followed by a piece on the attitude of black students about the death of a given activist, itself including a long section on their opinions of the white communities participation in the reconciliation process (Special Report Episode 8, 16.01-22.25).

²⁷¹ Being a television programme, it was aimed largely at white people, simply because they owned the majority of television sets. White people, particularly Afrikaners, were over-represented in its presenters and reporters.

which they would be included. Notably, Commissioners de Jager and Malan did not mention this. Both shared a minimalist view of reconciliation and did not endorse the idea of the SATRC as an agent of reconciliation and these views are presumably causal to their lack of comment on the paucity of white support for the SATRC. When reconciliation is peaceful coexistence and the SATRC is not an agent of this, then the failure of the white community to engage with the SATRC is not an obstacle to reconciliation and public support not a necessary condition for reconciliation. That de Jager and Malan, chosen as representatives of the white right did not endorse this view suggests that those who do are mistaken in their belief that it should be transparent that lack of public support demonstrates unequivocally that the SATRC could not reconcile the nation.

Conclusions

This brings us back to one of the central questions of this thesis: why is there a disparity between perceptions of the SATRC as reconciliation centric and insider accounts and how did this disparity occur? If the SATRC was about truth before reconciliation, if dedicated reconciliation work was unnecessary because reconciliation flowed logically from truth work, if the SATRC was clearly unable to achieve reconciliation because reconciliation has other necessary conditions beyond the scope of the SATRC, then why do so many people continue to believe that it was strongly related to reconciliation?

We began this chapter by returning to the history of the creation of the Commission, noting Boraine's appeal to Mandela's sense of reconciliation in his letter commending the Commission as a project. Reconciliation then seemingly left the debate as feuding politicians and pragmatic lawyers tried to create a Bill that satisfied all sides. The Act was, Bizos said, euphemistically named; so called not because reconciliation was relevant, but because reconciliation was important, a greater good to be defended by the Act. The Presidential Committee appointing the Commissioners valued reconciliation, but found that choosing Commissioners without a template and without training was difficult enough without factoring in ideas about complex and ethereal concepts. When the seventeen Commissioners were appointed, they found themselves without training, offices, staff or time. Most had a months' holiday booked immediately after their appointment and then had to serve notice at their current jobs. Four months later, the Commission opened its doors to the public and commenced the East London hearing.

Reconciliation was everywhere. My interviewees, however, argued that reconciliation did not 'live' within the Commission; there were other necessary conditions before reconciliation could be achieved, truth was a more important goal, reconciliation might well flow from the truth the SATRC provided and thus there was no need to put in effort towards reconciliation, the Commission only needed to 'promote' truth. In short, it was not an important goal of the Commission process, despite public perceptions to the contrary. The next chapter will explain the puzzle posed by the sudden appearance of a surfeit of reconciliation in the first hearings in the face of insider denials of importance.

Chapter 7: Promoting Reconciliation

Introduction

This chapter, the final of the four focusing on my fieldwork, addresses the public perception of a reconciling commission; examining the ways in which reconciliation was relevant to the Commission's work and by whom it was deemed relevant. The chapter argues that the potential for a reconciling commission was inherent within the PNURA, and that when Archbishop Tutu was appointed as the Chair of the Commission, he saw that potential. Nobody had told Tutu that the PNURA referenced reconciliation not because it was relevant to the Commission's work, but because it was a politically expedient term. He, my interviewees argued, saw a logic in the PNURA, that the country would be set free by its truth telling, and that reconciliation would follow from forgiveness, which can only be offered once one knows whom to forgive. Tutu, they said, was the driving force behind promoting reconciliation.

One person, even if that person is of the moral stature and determination of Tutu cannot be responsible for the entirety of a four hundred person Commission. The majority of the chapter explains how the Commission led by Tutu came to embody reconciliation. Thus we confirm the presence of other Commissioners, largely those from the faith communities, who felt that the Commission had the potential to assist reconciliation and go on to try to understand why it was possible that the Commission included both Commissioners who believed in a reconciling Commission and those who did not. This is argued to be the result of, firstly, the lack of cohesion in the Commission and secondly the management style employed by the Chair. Commissioners, divided into those who focused on reconciliation, so called 'reconciling Commissioners', and those who did not focus on reconciliation, 'not reconciling Commissioners',²⁷² never reached a consensus on the purpose of their Commission because they did not debate it.

The next section of the chapter focuses on how the reconciling Commissioners' voices came to be heard the loudest. Thus, we look at the recruitment of staff and the effects of this, noting that the initial impression created of a reconciling Commission by early statements and hearings meant that some Commission staff believed that the Commission was meant to 'reconcile the nation'. It is suggested that these reconciling staff may have influenced the testimony of witnesses at hearings, thus reinforcing their

²⁷² This distinction comes from Bongani Finca (2008).

own and the public's belief in reconciliation. The SATRC Press Policy is demonstrated as restrictive; only Tutu and Boraine could make press statements and Commissioners were contractually forbidden from suggesting that the Commission could not fulfil its mandate. The marketing policy of the Commission is noted as enhancing beliefs that the Commission was intended to promote reconciliation; its marketing materials focused heavily on healing, forgiveness, and reconciliation, the most well known slogan being "Truth: The Road to Reconciliation".

Finally, we look at why those who did not believe that the Commission should focus on reconciliation were not successful in sufficiently publicising their views. Interviewees argued that they tried, but that the public did not listen. They spoke about education campaigns and leaflets, but argued that these were simply not understood by the public. Many interviewees blamed the media for the perception of a reconciliation centric Commission, but I would argue this is a little unfair. The media did focus on reconciliation events, but then reconciliation events are 'newsworthy', and the media did not imagine these events, they happened. It would have been strange were they not to have been reported upon. The Commissioners' biographies did not have to report on these events, but they did. In so doing, they added to public perceptions that the Commission was aiming to achieve reconciliation. Their human biographies reflect their human joy that the Commission in which they participated had achieved such important work. It is unfortunate that their joy can be read as a belief that the Commission was reconciliation centric. This chapter, in essence, argues that the SATRC had no official policy on reconciliation, but that the efforts of individuals who felt a strong commitment to reconciliation, and a lack of action on the part of those who felt that reconciliation was not a key role of the Commission, combined to create the perception of a reconciling Commission.

Tutu's role in promoting reconciliation

The most common explanation of how the Commission came to be closely associated with reconciliation was just one word: Tutu. While I doubt any of my interviewees would deny that Archbishop Tutu was strongly orientated towards reconciliation, Jayendra Naidoo (2008), Russell Ally (2008), Lavinia Browne (2008), Mary Burton (2008), Wendy Orr (2008), Sheila Camerer (2008), Madeline Fullard (2008), Enver Daniels (2008), Paddy Clark (2008), Chris de Jager (2008), Wynand Malan (2008),

Hanif Vally (2008) and Faizel Randera (2008) all specifically said that he was responsible, in whole or in part, for the aura of reconciliation which clothed the SATRC. The clearest and first response to my question came from Clark in an email before I arrived in South Africa “When I read that you wanted to look into how and why reconciliation became central to the Commission, I had one response: Desmond Tutu” (Clark 2008b). Tutu saw the Commission as a vehicle for reconciliation, which he understood to be related to healing and forgiveness, both of which could be brought about through truth.²⁷³ Interviewees explained that his role in promoting the Commission as reconciliation-centric was the result of both his faith in the ability of the Commission to assist reconciliation, which was understood by my interviewees to be informed by his Christian faith, as well as his ability to advance his vision.

Jayendra Naidoo (2008) said simply that reconciliation came from Tutu, while Valley (2008) and Malan (2008) talked about his importance in making reconciliation prominent. Ally (2008) talked about the impact of appointing the “leading in the world cleric”; instantly what might have been a dry fact finding mission became religious and sacred. He argued that Tutu’s philosophy of reconciliation was closely linked to truth, for Tutu “truth was the balm ... but speaking the truth also healed the perpetrator” (Ibid). The idea of healing, forgiveness and reconciliation were bound together in Tutu’s mind. The ‘oath’ Commissioners took, written by Tutu, ended in a question: “Will you dedicate yourselves to carry out the task that has been entrusted to you ... for the purpose of healing our nation?” (cited in Borraine 2000a, 266). Each Commissioner had thus promised before their God²⁷⁴ to dedicate themselves to working towards healing the nation.

When I asked Lavinia Browne, Tutu’s assistant, about his commitment to reconciliation, she explained that Tutu’s “whole being” is about being a Christian (Browne 2008). The logic of the third clause of the PNURA, that reconciliation can be promoted through truth, made immediate sense to him as a corollary to Christian doctrine. Randera (2008) noted that this Christian emphasis on reconciliation caused conflict “there were many people who believed that because Tutu was a man of the cloth and reconciliation and forgiveness being so important in Christianity that it was

²⁷³ Tutu’s views on reconciliation have been expressed in his autobiography, *No Future without Forgiveness*, and are brought together most clearly in pages 216-230 (Tutu 2000a). See also Battle 1997.

²⁷⁴ Commissioners were permitted to swear to deities other than the Christian God.

impacting too much, especially at the beginning". Daniels (2008) and Camerer (2008) , two people from opposite ends of the political spectrum in South Africa and who disagreed about so much, agreed on Camerer's statement that the SATRC was "given to the Church to run" (Camerer 2008); that when Mandela appointed Tutu as Chair he sealed the Commission's fate as reconciliation centric (Daniels 2008, Camerer 2008).

Tutu's rhetorical gifts were seen as important by some. Burton explained some of reconciliation's prominence as the result of the Chair being an "Archbishop with a gift for emotive language" (Burton 2008). In that first summer break after the Commissioners were appointed, Burton said that Tutu "did public, warm things" while the majority of the Commissioners were on holiday (Ibid). For Tutu, reconciliation had "really a major role", and because of his job as Chair and excellent oratory, his words were heard loudest (Ibid). While others were holidaying or working their notice in other jobs, Tutu, who had just retired as Archbishop of Cape Town, was using the time to explain this new process in the terms in which he understood it. As Fullard said, "Tutu does talk a lot about reconciliation" (Fullard 2008).

Tutu does, indeed, talk a lot about reconciliation. In an interview with the *Irish Times*, a month before the East London hearings, his interviewer explained the impact Tutu had on the public perception of the Commission:

Edward O'Loughlin: "Since he was appointed chairman last year, Archbishop Tutu has portrayed the Commission in almost sacramental terms, making it seem like a ritual to promote forgiveness, healing and reconciliation. How important does he think this religious dimension will be for the commission's task?"

Desmond Tutu: "Crucial. Absolutely essential. Who has ever been aware that forgiveness and reconciliation are normal categories of political discourse? The very words – truth, reconciliation, forgiveness, amnesty – are religious words. The fact of the matter is our whole nation needs healing" (O'Loughlin 1996)

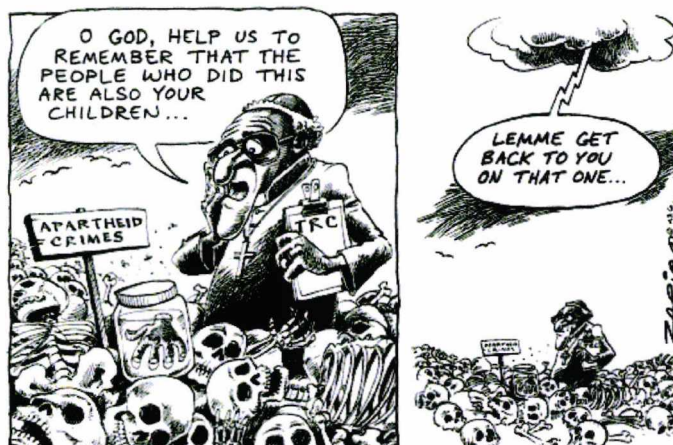
Tutu repeatedly referred to healing, forgiveness and reconciliation in public statements about the Commission's work.²⁷⁵ Recall, for example, the discussion in the last chapter of Tutu's role in the East London hearings and his introductory speech on the first day arguing the central aim of the SATRC was reconciliation. In the excerpts from that

²⁷⁵ His first two public statements as Chair of the Commission included the following: "The purpose of the Commission in terms of the act which establishes it is to assist in the process of healing and reconciliation." (SATRC 1995a), and "It is important to bear constantly in mind the title of the act that has brought us into being – the Promotion of National Unity and Reconciliation. ... Absolutely central to our concern in the work of our Commission is helping our land and people to achieve genuine, real and not cheap and spurious reconciliation." (SATRC 1995b).

hearing discussed in the previous chapter, Tutu did most of the reconciliation work.²⁷⁶ Exemplifying this is the comparison I made between the response to Mr. Webber, who left the stand with a quick ‘thank you’ from Wendy Orr after having refused to say positive things about reconciliation and the response to Mrs Mfeti, who Tutu said made him proud to be a black person because of her willingness to forgive. John Allen, Tutu’s official biographer and long time colleague, comments on this:

From the first hearing in East London, Tutu seized the tool that Mandela had entrusted to him and sought to apply it for his ends. He singled out witnesses who embraced forgiveness and made their stories his leitmotif (Allen 2009, 351)

Interestingly, Allen is not just arguing that Tutu is promoting reconciliation as required in terms of the PNURA, but using the Commission to achieve what Tutu believes South Africa needs, here reconciliation based on forgiveness.²⁷⁷ De Jager also noted Tutu’s stress on reconciliation and forgiveness at public hearings, remembering his appeals to Winnie Madikizela Mandela to apologise and seek forgiveness for her involvement in a murder:²⁷⁸ “it was all a little bit forced ... the Archbishop trying to get, to please say sorry from Winnie. He thought that the moment one would say sorry there would be reconciliation”. Tutu’s reputation for forgiveness and reconciliation centred talk after the first hearing was such that Zapiro commented upon it:



(Zapiro 1996, 117)

²⁷⁶ Of course, his role as Chair, his elevated position as Nobel Laureate and Archbishop and the esteem in which Tutu is held meant that Tutu was the obvious choice to make someone feel their testimony was valued by the Commission. This, however, ignores the emphasis Tutu put on the thanks given to reconciliation related acts and statements.

²⁷⁷ Allen abetted Tutu in his interpretation of a reconciling truth commission. Acting as the Commission’s, and thus Tutu’s, press secretary, he supported Tutu’s actions, explaining them in terms of Tutu’s theology, and the need for spiritual healing and reconciliation in South Africa. See SATRC press archive (2009).

²⁷⁸ Of Stompie Seipei, a child in her care. See Boraine 2000a 221-257

Tutu, Zapiro argues, is more convinced by forgiveness and reconciliation than God.

In the literature we find consensus for the idea of Tutu as promoting reconciliation as a key goal of the SATRC, but no explicit consensus for his role as chief proponent in the SATRC. Insider biographies do not argue that the truth commission became focused on reconciliation because of Tutu (Boraine 2000a, Orr 2000b, Ntsebeza and Bell 2003, Meiring 1999, Krog 1998). The first generation of texts on the Commission, those published before it had handed in its final Final Report in 2003,²⁷⁹ reflect the insider texts, and while they agree that Tutu was influential in the Commission, and quote him discussing the importance of reconciliation they do not explicitly acknowledge the role my interviewees ascribed to him (Christie 2000). However in more recent work his role is acknowledged. We have, for example, Jonathon VanAntwerpen's comment "Under the leadership of Archbishop Tutu, the question for reconciliation and forgiveness had become a master narrative of the TRC" (VanAntwerpen 2009, 26),

Reconciling Commissioners

Although Tutu's role in promoting the SATRC as a vehicle of reconciliation was clearly of primary importance to my interviewees, they noted that he was not the only person involved in this work. Finca told me that during the Commission, insiders joked that one "can divide Commissioners into those whose mandate is truth, and those whose mandate is reconciliation" (Finca 2008). Finca himself was a reconciling Commissioner, like Tutu, and fully endorsed the ideas that the Commission should involve itself in reconciliation and that the truth of the Commission would help to bring about reconciliation. Fullard agreed with the idea of individual, reconciling, Commissioners. These Commissioners, she said, "really did care about reconciliation and would make efforts" towards reconciliation including attempting to "put people in touch with one another" (Fullard 2008). Malan specifically named Tutu and Boraine as the people responsible for the reconciliation messages; the impression of a reconciliation-centric SATRC was "because the Commission was known and judged by the statements of the Chair and the Deputy Chair" (Malan 2008). He acknowledged, however, that Boraine was less focused on one-to-one interpersonal reconciliation than others. Those who were, he said, included Tutu, Burton and Pumla Gobodo

²⁷⁹ The Final Report was delivered in two parts in order to allow the Amnesty Committee to finish its work. Thus the first five volumes were delivered in 1998 and the last two volumes in 2003.

Madikizela.²⁸⁰ While Boraine was not, according to Malan, a driving force behind the promotion of interpersonal reconciliation events, Frederik Van Zyl Slabbert (2008) said that Boraine was happy for reconciliation to be prominent and that this was because he wanted to “emphasise the need for reconciliation”. There were, of course, Commissioners who were more focused on truth; a simplistic divide might be to look at the lawyers as especially truth focused, and the religious and therapeutic professionals as reconciliation focused (Meiring 2000).²⁸¹ The idea that we have Commissioners with different mandates; that there are (at least) two different groups of Commissioners each with different agendas, suggests two questions. The first is why there was not, given this difference was acknowledged, a resolution of these differences. The second is why the message of only one group (the reconcilers) got through to the public.

Reconciled Commissioners

The answer to the former seems to be related to the internal tensions that marked the Commission. The Commission was designed to be representative of South Africa’s diversity; it was thus a diverse Commission with different races, genders, life histories, politics, professions and experiences represented. The Commissioners’ differences escalated into claims of racial tension in the press and stand up arguments within the Commission. All the biographies mention these tensions and the arguments in which they resulted (Tutu 2000a, Boraine 2000a, Orr 2000b, Bell and Ntsebeza 2003). Alex Boraine cites his own journal from the early days of the Commission:

The difficulty of making far reaching decisions and learning to function as a group with time binds is almost soul destroying. If there was an ounce of appreciation for every pound of demand, it would have been a lot easier to bear. There is no doubt Desmond and I have much, much to learn but I would hope that the rest of the bunch will accept that of themselves as well. The sickness of racism and separation in our country has left a ghastly heritage and this threatens to sour so much of human relations in South Africa, and the Commission is no exception (personal journal of Alex Boraine, cited in Boraine 2000a, 91)

There were disputes between colours, disputes between professions, disputes between genders, between religious and secular, between Committees, between Commissioners and staff, management and staff, left and right wingers and simply between different personalities. Orr was regularly greeted by Lyster turning her around to check

²⁸⁰ Not in fact a Commissioner, but a Committee member of the HRVC and psychologist by training who wrote *A Human Being Died that Night*, a book about Eugene de Kock known for its description of a reconciliation event between de Kock and some of his victims’ relatives. See Gobodo Madikizela 2006.

²⁸¹ As acknowledged by Piet Meiring, who originally made this distinction, it is a considerable generalisation. See Meiring 2000.

humorously for knives in her back (Orr 2000b). Watson recalls staff refusing to travel with some Commissioners because they insisted on travelling first class (Watson 1997). Boraine says he was unable to work with either Mkhize or Ramashala (Boraine 2000a). De Jager resigned because he felt Commissioners were failing to adopt any kind of logical working pattern (De Jager 2008). Ramashala threatened to resign over just about everything and finally did when she was offered a Vice Chancellorship (Boraine 2000a). When Ntsebeza was accused of assisting with the bombing of the Heidelberg Tavern, the Commission divided along racial lines, with his support coming from the black staff and Commissioners while white staff whispered behind closed doors (Bell and Ntsebeza 2003, Orr 2000b, Boraine 2000a, Tutu 1999). Mkhize told the press that the Commission was run by a clique of white liberals headed by Boraine (Boraine 2000a, Orr 2000b), prompting Tutu to issue angry denials from the hospital where he was being treated for prostate cancer (Ibid).

Orr described the “relationships between the Commissioners themselves” as “toxic and damaging” noting bitterly the irony that the Commission was “going to reconcile the country and we can’t even reconcile with each other” (Orr 2008). The Commission was divided, particularly along racial lines, and this made communication impossible at times (Orr 2008, Orr 2000b, Boraine 2000a, Bell and Ntsebeza 2003).²⁸² Debates about what reconciliation meant, what it needed as necessary conditions and what role the Commission could have in promoting it dissolved into arguments over race. Richard Wilson describes a SATRC workshop on the conceptualisation of reconciliation:

The debate on reconciliation quickly turned into a heated discussion about whether racial groups were collective actors and, if so, could bear collective guilt and responsibility. Participants argued over what whites should or should not do to make amends, whether some blacks had benefited also from apartheid, and whether whites were behind all black on black killings. A TRC psychologist present, Thulani Grenville Grey, put his head in his hands, looked up resignedly and shook his head. ‘It all became too polarized around race... yet again’ (Wilson 1999, 102)

²⁸² The only reference I can find to an entirely positive experience of personal relations within the Commission is made by Piet Meiring, whose conclusion on the supposed racial tensions within the SATRC reads: “It was my contention, and also that of Tom and Barbara [Tom Manthata, black person, formidable ANC activist and former member of the Committee of Ten and Barbara Watson, mixed race advocate for women’s and children’s right, both of whom worked with Meiring at the Commission], that things actually proceeded remarkably smoothly. As the months progressed, we obtained more appreciation for each other, we were able to learn from and enrich each other” (Meiring 1999, 107). He goes on to say that relationships between the two Afrikaner Commissioners, de Jager and Malan, and the black Commissioners and staff were good. He does not mention relationships between white English speakers and black staff.

Michael Ignatieff (1996) describes the idea that truth leads to healing and reconciliation as an ‘article of faith’, he might have added that the idea that truth does *not* lead to healing and reconciliation is also an article of faith. He argues that there is no proof for the truth-to-reconciliation argument, but in so doing he should have admitted that there is no proof to deny it either. How does one argue either side of this debate carefully and logically in a room filled with sixteen other people who are paralysed by tensions, particularly when there has been neither training in nor study of the debates current in the literature? With no training and no expertise in these areas just about anything they wanted to argue in relation to the search for reconciliation or the role of truth commissions in that search was an ‘article of faith’. The people sitting around the table in Commission meeting rooms were *alone*; there was nothing to support them. The resources they had were each other, and these could not be properly utilised because of internal tensions. The arguments that they needed to make in order to promote their view of reconciliation’s role in South Africa and the Commission’s role in reconciliation relied on assumptions, articles of faith, which were not shared by their fellow Commissioners.²⁸³ This explains the enormously different universes in which the definitions of Commission insiders existed. To discuss reconciliation is to discuss both what it is and how to achieve it. Such enormous divisions, revealing such divergent assumptions and core beliefs, cannot be resolved if participants to the debate have constantly to fear that their words will be filtered through the gross preconceptions of their colleagues.

The early days of the Commission were marked by that conflict and also by chronic disorganisation. Max du Preez (2008) noted, “people often think it was a huge, planned, prepared thing. Actually it was chaotic... total chaos in the beginning”. Staff tended to blame that disorganisation on Committees on which they themselves did not work, although this was not always the case. Where Boraine critiqued the RRC and the AC, committees on which he did not serve, Ilan Lax (2008) criticised the Amnesty Committee, for which he worked, but which, he said “never got itself organised” and existed in “total disarray”. The Reparation and Rehabilitation Committee, whose Chair, Hlengiwe Mkhize, believed it to be in charge of reconciliation efforts, was criticised by

²⁸³ There is also the question of whether Commissioners and staff wanted to bring up the differences between them when it would mean a debate the history of which suggested such debates ended badly. There was so much to decide in the Commission, so many debates that had to happen, and it would make sense to avoid debates that did not seem as necessary but which seemed always to end in tears.

many, including Tutu (1999) and Boraine (2000a), for its chaotic working practices. These were made worse by Mkhize's conflict with staff and management inside and outside her committee (Tutu 2000a, Boraine 2000a, Lax 2008, Orr 2000b). It is not surprising that the Commission failed adequately to conceptualise reconciliation, or the contribution the Commission could make to it. As Orr said, that the Commission "failed to get our own house in order was part of the reason that we failed in some areas" (Orr 2000b).

Managing the Commission

Part of the failure of the SATRC to debate reconciliation and the Commission's role in relation to it, must be laid at the feet of its Chair. Tutu's management style was seen by some as dictatorial. His habituation to hierarchies, the relative single-mindedness of the Church (Tutu, 1999) and his role as Chair meant that to contradict him successfully was difficult. Krog quotes Tutu as saying that in his role in the Church he "had a clear position and relationship with all the people with whom I worked. We formed a team more easily and naturally" (Tutu cited in Krog 1999, 231) whereas work at the Commission was "more taxing". She explains he found it "difficult to move from the strong hierarchy of the Church to the democracy of the Commission" (Ibid). Although it is difficult to imagine, de Jager told me that Tutu treated some of the black, female Commissioners "quite roughly" when they disagreed with him.²⁸⁴ He seems above all to have been dogmatic about his religious understandings of the Commission's functions.

Tutu famously refused to start Commission hearing without prayers and hymns (Boraine 2000a, Meiring 2000). After Randera requested a more secular atmosphere at the second set of hearings, Tutu did attempt to reduce the religious atmosphere, beginning without the prayers he had spoken at the previous hearing (Ibid). Meiring describes the result:

Tutu was patently uncomfortable. He was unable to start with proceedings. He shifted the papers on the table in front of him. He cleared his throat. When he spoke to the audience, he said: 'No! This is not the way to do it. We cannot start without having prayed. Close your eyes!'

(Meiring 2000, 124)

²⁸⁴ Peter Reynolds, meanwhile, described 'the Arch' as "a gentle, flexible person". The vast majority of staff I interviewed spoke very affectionately of him. See the quote from Krog on the previous page.

The decision to begin the second hearing without prayers was made in committee, with contributions from the Commission (Ibid). The decision to abandon this plan was made by Tutu alone (Ibid).

The very visual nature of the tiny Tutu clothed in his purple cassock is claimed by Boraine to be at Tutu's behest "When I suggested to him that he should not wear his purple clerical robes to the hearings, he replied 'The President knew that I was an Archbishop when he appointed me'" (Boraine 2000a, 101).²⁸⁵ This conviction, that Mandela specifically chose him because of his faith, is typical of Tutu's humility; he cannot imagine that he has a multiplicity of personal qualities which lend themselves to managing such a body.²⁸⁶ It did, however, give his argument, that the SATRC should interpret reconciliation in a religious way, weight in his own mind. Very early on in his memoir of the Commission, he writes:

It is interesting that the President appointed an Archbishop as chairperson of the Commission, and not, for instance, a judge, since we were to some extent a quasi-judicial body. ... you could say that there were four ordained Commissioners and that was bound to have a marked influence on our deliberations and on how we carried out our work.

The President must have believed that our work would be profoundly spiritual. After all forgiveness, reconciliation and reparation were not the normal currency in political discourse ... Forgiveness, confession and reconciliation were far more at home in the religious sphere.

(Tutu 1999, 71)

All the religious professionals to whom I spoke echoed this feeling that reconciliation belonged to the spiritual (Storey 2008, Mgojo 2008, Meiring 2008, Nyobole 2008). As discussed in the chapter on definitions of reconciliation, religious understandings were common within the religious community. This makes sense. The ideas included in the PNURA do echo some religious doctrines. There is a clear and obvious link between the idea of confession of a sin resulting in forgiveness and reconciliation in the Christian Sacrament of Reconciliation. The idea of bearing witness to the truth is also key. Finally, that someone should sacrifice themselves to a cause and that their sacrifice should be praised and remembered reminds us of the saints, also martyred, also revered, also remembered. Vido Nyobole (2008) explained to me that for those with a conviction in a Christian God, reconciliation can only come from Him. Reconciliation is a very spiritual concept for those who already consider themselves to be spiritual. When one reads through an Act which evokes these memories of religious doctrine, and when there has been no training to offer an alternative context, the logic of the Act

²⁸⁵ Tutu believes he wore his robes at the Commission's request (Tutu 1999a, 72)

²⁸⁶ See John Allen's biography of Tutu (Allen 2008)

seems very clear: it should be interpreted through a religious prism. This further reduced the breadth of the sayable, if one wished to challenge Tutu's understanding of the Act, one would also be challenging his faith. Again we are in the realm of the unarguable, back to Ignatieff's 'articles of faith', in a place with no right answers and no proofs.

Tutu's intense conviction that his understanding of reconciliation and approach to its role in the Commission was not only correct, but supported by the President who appointed him, as well as the support of the other religiously orientated Commissioners meant that he continued to hold and promote his articles of faith; that reconciliation was possible through the Commission. His moral standing and his position of authority together with his inexperience in democratic leadership structures meant it was difficult to challenge him. Boraine recalls the lack of challenge, but obvious upset, which resulted from Tutu's early decision to choose on which of the committees they served: "There was a great deal of resistance to this, but, because of Tutu's moral and spiritual stature, there was no real opposition when he announced the appointments" (Boraine 2000a, 85). This was a matter on which Tutu did not carry a religious conviction. On matters where challenging him meant challenging his spirituality, one would have to be both brave and convincing.

To understand the lack of debate on reconciliation within the Commission, we have finally to consider how could anyone fight with 'The Arch'²⁸⁷? Hanif Vally admitted that part of the reason he did not raise his concerns about the promotion of reconciliation and religious views of reconciliation was "out of respect" for Tutu, because of this he did "not make a big issue of it" (Vally 2008). Tutu held the Commission together, at times almost literally with his bare hands, and not one of the people I interviewed had anything but enormous respect and admiration for him. Every time an interviewee explained that Tutu was central to promoting the place of reconciliation at the centre of the Commission, they followed up with an explanation that they meant him no disrespect, that they could not imagine anyone else as their

²⁸⁷ Tutu's nickname, similar in affectionate tone to Mandela's nickname of 'Madiba', although with an obviously different etymology.

Chair, and that they were grateful for the role he played. Antjie Krog²⁸⁸ describes his role like this:

The process is unthinkable without Tutu. Impossible. Whatever role others might play, it is Tutu who is the compass. He guides us in several ways, the most important of which is language. It is he who finds language for what is happening. And it is not the language of statements, news reports and submissions. It is language that shoots up like fire – wrought from a vision of where we must go and from a grip on where we are now. And it is this language that drags people along with the process (Krog 1999, 230)

Krog is arguing that part of Tutu's service to the Commission is his certainty that the SATRC is achieving something. His certainty made the Commission more bearable. That certainty was his faith that the Commission could heal the nation, was contributing to reconciliation, and that some good would come out of all this pain. To challenge him would involve two distinct fears: 1. that he might be personally offended because in challenging his message of the reconciliation in the SATRC one challenges his personal beliefs and 2. that he might stop being the guiding light, and that the crucial service he offered the Commission might be withdrawn. It is worth noting that the worst problems within the Commission, Mkhize's public assertions of a culture of racism within the Commission, occurred while Tutu was away sick; this surely must have stayed in the minds of those who wished to challenge him. As Kariem Hoosain said, there was "a bit of a void when the Arch wasn't around" (Hoosain 2008). Tutu was irreplaceable and part of what made him irreplaceable was his belief that the Commission could and did contribute strongly to reconciliation.

The lack of debate within the Commission about reconciliation and the contribution the Commission could make to it perplexed my interviewees. They gave vague hints that they did not want to challenge Tutu or that the Commission was too riven by conflict and disorganisation properly to focus on the debate. I have thus turned to insider accounts and amalgamated these with comments from interviews. Debates about reconciliation, when initiated, tended to descend into racially biased rows. This was, I argued, partly due to pre-existing conflicts within the Commission and partly because Commissioners received no training in these complex topics, leaving them alone with their prejudices and articles of faith. It is unsurprising that such debates were rare, intellectually unsatisfying and inconclusive. It would seem Tutu's faith in his vision of

²⁸⁸ Her 'outsider' role as journalist was quickly eroded by the intimacy of the pain experienced during SATRC hearings. She describes her fear of losing Tutu to prostate cancer very movingly in *Country of My Skull*, see Krog 1999, 230 - 233.

a reconciling Commission must also bear responsibility for the lack of debate; his strong conviction and occasionally dictatorial management style were important as was the unwillingness of other Commissioners to challenge him. The presence of differently mandated Commissioners continued. We now need to examine why the public was left with the perception of a reconciling Commission.

Public perceptions of reconciliation

The perception of the Commission being more involved with reconciliation work than most of my interviewees argued it was, had an origin in reality. There were some reconciliation events. The Final Report marshals them together over a hundred pages; Brian Mitchell really did go to apologise to Trust Feed residents; Ginn Fourie really has created a charity to work for the rehabilitation of perpetrators with the man who ordered her daughter's death; Lucas Sikwepere did say he felt that his sight had been restored after testifying; Beth Savage did say she wanted to ask the person who left shrapnel in her body for forgiveness.²⁸⁹ Many of my interviewees remembered these or similar cases during interview. These were unusual events with unusual participants; in George Bizos' terms they were "very special people" (Bizos 2008). It is regularly admitted by all concerned that reconciliation events were few and far between.

There is a strong argument to be made that these 'real' reconciliation events were in fact produced rather than achieved by the Commission, that is to say that the Commission did exactly as its mandate required it to and *promoted* reconciliation rather than *conducted* reconciliation. Those who did come before the Commission and contribute to reconciliation events were the exception; this was neither the experience of the average victim nor the average perpetrator. Those who made positive statements regarding, for example, reconciliation through forgiveness, were unlikely ever to be able to act on them. There was so little time in the Commission's busy schedule that on the very rare occasions victims and perpetrators did meet, it was normally, according to Madeline Fullard, at the very end of an amnesty hearing "when the chairs were being cleared away" (Fullard 2008). At the end of this chapter, we will look at how those infrequent reconciliation events have become emblematic of the Commission, despite their rarity. Before that, we are going to look at how reconciliation came to be

²⁸⁹ See 'Reconciliation', Chapter 9, Vol 5 of SATRC 1998

embedded in the Commission and at the ways the SATRC ended up creating its own reconciliation myth.

Given that the understanding of the SATRC as reconciliation centric seems to be more prevalent outside the Commission than inside it, we need quickly to run through the processes by which the SATRC generated its public face. We have already covered the two geneses of the SATRC as an idea, within the NGO community and within the ANC. After these two groups came together, the SATRC was legislated for through the PNURA after extensive consultation and discussion. Up until this point, reconciliation was an afterthought, an aspiration or a possibility. It was *not* the central focus of the Commission. The outline of the Commission was drawn by the Act, but this was filled in through the selection of Commissioners and staff. My interviewees argued that the greatest impact on the Commission's approach to reconciliation was made by Tutu, whose moral and spiritual conviction and place at the head of the Commission, made him difficult to challenge. That there were only four months between Commissioners' appointments and the first hearing, during which the Commission had few resources and a scarcity of Commissioners meant that there was little time to discuss what the public image of the Commission should be. The lack of training, the internal problems and the ethereal nature of the relevant concepts and arguments made communication and discussion of the Commission's approach to reconciliation difficult internally. Some Commissioners felt very strongly that reconciliation was at the heart of the Commission's role, while others continued to believe it was of secondary importance. Commissioners also conceptualised reconciliation very differently. The lack of effective discussion and debate meant that Commissioners continued to hold their divergent views throughout the Commission's lifetime and beyond. Commission staff were thus offered no guidance from above, and neither they nor the Commissioners were able to communicate an official policy on reconciliation and activities related to reconciliation. Consequently, it was left to staff to determine their own personal reconciliation policies and the public to guess what the Commission's beliefs about reconciliation were.

The public face of the Commission comprised various factors. These included HRVC hearings, AC hearings, largely unpublicised and very occasional RRC workshops, official statements from Tutu, Boraine, and Allen's press office, unofficial and illegal

statements made by other Commissioners and staff, and personal reflections of insider journalists like Krog and du Preez. All these factors were influenced by Commission staff. Commissioners were appointed by Mandela on the recommendation of a panel. Commissioners appointed Committee members and management. Together these three groups appointed staff. All permanent staff members recruited volunteers. All Commission insiders recruited victims and perpetrators, but notably the Commission could not force them to apply for either status. Journalists were not recruited by the Commission formally, but rather underwent a similar process to staff, victims and perpetrators in that they self selected based on their personal feelings towards the image the Commission projected. All these people *chose* to become involved with the Commission, none were forced to work, attend or apply.

As we have seen from the first hearing held over four days in East London, the Commission was strongly flavoured by reconciliation from the beginning. Reconciliation events do seem really to have occurred, as evidenced by the Final Report and any number of insider accounts.²⁹⁰ Given, however, the claims of staff and Commissioners that the Commission was focused on truth, not on reconciliation, and given that the Commission was not designed in law to focus on reconciliation, we need further to examine how reconciliation became involved in its work and image. Essentially, I am arguing that a legal potential existed in the PNURA for a prominence of reconciliation and that the SATRC itself turned this potential into a reality. This reality comprised the ‘flavour’ of the Commission as reconciliation dominated and a perception outside the SATRC that it was focused on reconciliation activities.

As discussed, what made the SATRC into a reconciliation producer was argued by my interviewees to be Tutu. One person could not, however, without assistance change the course of the vast SATRC operation, comprising many thousands of people,²⁹¹ were those people to remain uncooperative. Were everyone else, or even a majority of the Commission or South African society, to have been opposed to the SATRC as a vehicle for reconciliation, Tutu’s voice would not have been heard as loudly. Rather, I have begun to argue, that very early on Tutu’s reconciliation became emblematic of the Commission because of the reasons outlined above, and that his view then shaped the

²⁹⁰ See SATRC 1998, Vol 5, Chapter 9

²⁹¹ 22,000 victims, 7,000 amnesty applicants, an unknown number of volunteers and attendees at hearings, 400 staff, and 17 Commissioners

Commission itself. The next section of this chapter is going to look at how Tutu's emphasis on his particular brand of reconciliation shaped the make-up of the Commission in human terms and how this in turn shaped the flavour of the Commission.

We need first to note that everyone associated with the Commission was human. It was an intensely human endeavour, and all who were involved with it involved themselves for intensely human reasons. They were not a representative cross section of the South African community, there to do the bidding of the Act in a neutral manner.²⁹² SATRC victims were self-selecting; they chose, unlike the majority of victims of illegal apartheid,²⁹³ to go to the SATRC and tell their story. They were then filtered through layers of staff; statement takers then Committee members, Commissioners and regional staff who were involved in selecting victims to testify, then staff and Commissioners before the hearing, and finally their representation of themselves was filtered through the leading of their testimony by Commissioners and staff. The process was not neutral; by the time people became part of the public face of the SATRC through its hearings, they had become part of the Commission itself.

Neither were staff members neutral. To decide to become involved with an enterprise as emotive as the SATRC is not a neutral act. To decide to remain involved despite the proximity to such pain and suffering and the consequent emotional toll is not a neutral act.²⁹⁴ The Commissioners were employed while the SATRC was still just an idea. It did not become real until their appointment was announced in the Government Gazette. When they applied for the job, they knew very little of what it would entail, as discussed in the previous chapter. Most Commissioners seemed to imagine it would be investigative and legalistic, perhaps largely paper based. They did not conceive of it as a reconciliation centric commission. Staff, on the other hand, chose to join a body whose public image was largely set already. This public image was largely, according to my interviewees, the responsibility of Tutu and thus reflected his stress on

²⁹² This argument about the neutrality of staff is adapted from Lars Buur's (2003) discussion of the same in relation to the Commission's truth production. He argues that an ANC staffing bias led to an ANC flavoured truth.

²⁹³ The SATRC received just over 20,000 victim statements covering offences from the forty four years period of its mandate. For comparison, 14,000 people died in political violence (and were thus probably eligible for victim status) in the four years between Mandela's release from prison and his inauguration as President. There is clearly a considerable disparity between those eligible for victim status and those who chose to accept victim status.

²⁹⁴ The impact of the truth commission experience on insiders is discussed later in the chapter.

reconciliation as forgiveness and through truth. Peter Reynolds (2008) told me he joined the Commission because of his commitment to the idea that truth leads to reconciliation and that the SATRC could help in achieving reconciliation. Lucky Njoleza, a statement taker, explained his feelings on getting the job as “a huge challenge and a call to serve the nation and make an effective contribution towards reconciliation and nation building.” (Njoleza and Fullard, Undated). Wendy Watson wrote that

Ultimately, the decision to work for the TRC was made by many of several reasons: primarily a commitment to the process of reconciliation through the revelation of truth; and secondarily the privilege of working at what was seen by many activists as the peak of the human rights careers (Watson 1997)

The Commission, to an extent, included a significant number of staff members who held a conviction that reconciliation could and should flow from the truth and that the SATRC should be facilitating this.

We looked earlier at the reconciliation present in the first hearing, and I noted that before victims got to the City Hall, they went through several phrases of selection. Only 1,800 people, under ten per cent of victims, testified at a public hearing (Chapman and Ball 2001), and those that did experienced more time with SATRC staffers than the majority of victims. As discussed, the first level of selection was self-selection based on victims’ responses to the SATRC’s public image. The second was through statement takers. The SATRC employed some staff solely to act as statement takers, although most staff took on this role at some point (Orr 2000b). Statements were the bread and butter of the Commission, they transferred the mass of knowledge which lay in individuals to the SATRC (Buur 1999, SATRC 1998). This information was then put through various layers of statistical analysis to form the basis of the Final Report.

Wilson argues that statement takers were largely recruited from religious structures, stating that the “majority of statements taken in the Johannesburg area were written down by religious activists or in church settings, and this was probably true across the whole of the country” (Wilson 1999, 133). He interviewed a number of statement takers from whom it became apparent that they “integrated the TRC’s message of reconciliation into victims statements as they took down the oral testimony” (Ibid). He quotes one statement taker who felt his role was to encourage reconciliation in victims:

Reconciliation is a divine principle. I must counsel people and encourage them to see that we are for reconciliation and not revenge. Reconciliation, not prosecution, is the

ultimate objective.’ But what if a person demands prosecution in their statement? Mahopo replied, ‘When we are counselling a person, we sell the ideas that we are not for revenge but reconciliation. Not prosecution, but reconciliation is our ultimate objective.’

(Ibid, 133-34)

Njozela describes the lack of guidance statement takers were given (Njozela and Fullard, undated). He argues that as most of the Commissioners refused to listen to the opinions of ‘lowly’ statement takers, they were left to work according to their own ideas (Ibid). For Njozela, this meant adapting the protocol questionnaire and avoiding required questions in order to meet what he felt were victims needs (Ibid).²⁹⁵

Statement taking, then, which sounds as if it should be a dry, factual process was actually an event contaminated by humanness, where the statement taker attempted to fulfil their personal remit (taking care of victims’ best interests, promoting their vision of reconciliation) in addition to taking a statement for the SATRC. Staff were largely drawn from two overlapping groups: those who were committed to reconciliation and the faith communities. When statement takers were, as Wilson’s and Njozela and Fullard’s papers demonstrate, pursuing their own interests during the statement taking process, we can expect the impact of the make-up of staff to have been considerable. While there has been no sustained research on statements takers’ allegiances and whether this affected their methodology, and the consequences of both, I would argue that it is not overly presumptuous to suggest, particularly in light of Wilson’s work, that the majority of victims exited the statement taking process feeling that the Commission was ‘about’ reconciliation. Further, I would suggest that a minority, those who were either in contact with an especially vehement statement taker or felt that the Commission wanted them to reconcile, that part of the remit of the Commission was to make them reconcile.

Statement taking comprised the entirety of contact with the SATRC for most victims (Ibid, Buur 1999, Borraine 2000a). That ten per cent who did testify before the Commission became part of the Commission’s public image, recorded and transmitted by a variety of media globally. This group underwent an additional selection, as described by Bozzolli:

²⁹⁵ He gives the example of avoiding asking victims about ‘how much money’ they expected from a SATRC, a question he felt raised expectations to beyond bearable limits in poor communities (Njoleza and Fullard, undated).

As in all cases of the Truth Commission, the Commissioners charged with handling Alexandra had held preliminary hearings with witnesses, at which some of the processes outlined below were already evident. All had been interviewed and prepared. Many had already had a chance to express their feelings and wishes. Initial meetings were often accompanied by weeping, for example. From the broader group of witnesses heard a smaller group was selected to appear at the hearings (Bozzolli 2003, 16)

Chapman and Ball (2001) argued that it resulted in a disproportionate number of white, Indian and coloured people appearing at hearings and that this was done in the name of reconciliation.²⁹⁶ Wilson (2001) implies that it resulted in victims who were not fully engaged with the reconciliation project being under represented. Again, there are no clear data on this subject and none of my interviewees recalled any such bias in their work. However, what we do know is that the ‘workshops’, as Orr calls them, were envisioned by the SATRC as therapeutic spaces, where victims with different experiences, different politics, and of different races could come together to begin to heal (Orr 2000b, Maki 2008). They were often accompanied by Church services, with all the reconciliation centred baggage this entails. The staff members present were the same staff that I have described as being employed partly due to their commitment to reconciliation. This implies first that it would not have been an easy place to argue that reconciliation sounded like a terrible idea and second that those who did *may*, and I stress *may*, have been deemed unsuitable as witnesses. Certainly, a violent reaction to the Commission’s reconciliation rhetoric would have been noted and it seems plausible that one would avoid asking such a victim about reconciliation during the actual hearing, where reconciliation was proclaimed as a key good.

The hearings themselves were, as discussed in the previous chapter, heavy on reconciliation rhetoric. They were also heavily influenced by Christian rituals. Victims who testified had been through a series of manipulations that, I have argued, made them more likely to respond positively to reconciliation. The SATRC had, quite literally, promoted reconciliation to them. In the actual hearings, individual victims theoretically had the option either to affirm or deny the reconciliation project. The atmosphere of hearings, however, further contributed to the ‘unsayability’ of reconciliation denials (Bozzolli 2003, Verdoolages 2008, Wilson 2001, Moon 2008). The language of Commission staff added to this atmosphere considerably. Annelies Verdoolage, who used critical discourse analysis to understand the language at the hearings, describes a series of ways in which reconciliation was promoted: through repeatedly speaking the

²⁹⁶ As compared to their representation in the victim cohort as a whole

word ‘reconciliation’, through reconciliation centred summation of testimony, and through reminding victims of any reconciliation related comments made in their written statements (Verdoolage 2008).

Into the first category, she describes both the Commission staff’s frequent mentions of reconciliation, and their attempts to have “testifiers pronounce terms such as ‘reconciliation’ and ‘forgiveness’” (Ibid, 61). She also notes that staff referred back to reconciliation in general speech, introductions and asides during hearings (Ibid). She provides extensive examples, but we can find our own from that first hearing in East London. We discussed the explicit request for reconciliation Sandi made to Mr. Stanford, and the inexplicit requests made by Tutu asking Mr. Webber’s feelings towards his perpetrators, by a panel member’s question to Mrs. Savage inquiring about meeting her perpetrators, and Sandi’s question to Mr. Kohl about internal peace. Verdoolage found similar questions and prompts made throughout a number of different hearings (Ibid). She argues that

the mere fact that commissioners explicitly requested to reconcile could be seen as a subtle way of imposing reconciliation. Considering the context of the TRC, which supported the context of the reconciliation – testifiers were aware of this fact, even before they appeared before the HRV committee, victims had to be decisive and strong-minded to refuse to reconcile.²⁹⁷ (Ibid, 64)

Her point is strengthened by the selection processes I have described above.

The second category can also be exemplified by the East London hearing. We found Tutu, in particular, concluding testimonies by highlighting and praising reconciliation and reconciliation related comments of victims. Verdoolage found that when summarising reconciliation negative witnesses, staff would attempt to “temper these feelings. They kept emphasising that reconciliation was the only way to build a new South African society” (Ibid, 67). She notes that these summations act as tools of instruction for later witnesses, who could learn what would receive praise and what would not. She argues further that “if testimonies were concluded by creating such a reconciliation orientated atmosphere, it could become extremely difficult to talk in a spirit of vengeance or retaliation” (Ibid). What she does not note, but could, is that not only did this act as a tool for witnesses in the hall at the time, but all those who watched the proceedings on television or heard them on radio.

²⁹⁷ Verdoolages refers to all staff who spoke at hearings as Commissioners

Finally, she discusses the way written statements were used to promote reconciliation. I have already noted that members of staff were unlikely to introduce reconciliation in discussion with a witness who had explicitly distanced themselves from the concept in their written statement. Verdoolage takes this further, stating that she found that

commissioners emphasised that reconciliation had been expressed in the written statement and they explicitly read the appropriate fragment to the victim. In this way, people had to confirm that they had been in favour of forgiveness and reconciliation (Ibid, 69)

Verdoolage's work, which is based on intensive study of 30 testimonies, representative in terms of race, gender and politics, confirms the suspicion prevalent in this chapter that the SATRC created its own reconciliation. It affirms much of what I argued about the production of reconciliation in relation to the East London hearings, but with the considerably greater weight of a larger number of testimonies from a wider geographical area selected for their representivity. Her work, I would argue, carries further weight because she initiated it by reading all available Human Rights Violation transcripts, comprising the testimony of 1,819 witnesses, a considerable personal and intellectual achievement that allowed her additionally to control for witnesses' attitudes to reconciliation (Ibid, 45-9).²⁹⁸ She concludes the section on reconciliation in the HRV hearings by arguing that:

... on a personal level, individual testifiers probably covered a wide range of attitudes, veering between supporting and rejecting the concept of reconciliation. Through interaction with commissioners, though, these personal attitudes were homogenised. Only a minority of victims made unsolicited remarks about reconciling with perpetrators; also a minority was straightforwardly opposed to reconciliation. In a number of victim testimonies the notion of reconciliation was raised by the commissioners and to a greater or lesser extent it was also accepted by the testifiers. When watching or listening to these testimonies it may look as if the majority of the victims embrace reconciliation. A closer analysis tells us that the TRC commissioners were often the driving force behind this commitment to reconciliation... (Ibid, 71)

The SATRC was, effectively, creating its own reconciliation within the hearings. Each time a victim noted his or her commitment to reconciliation in one form or another, this was communicated to the public through television, radio and newspaper. Each mention solidified the perception of the reconciling SATRC. This created a positive feedback loop, as the pool of people, the South African public, from which the SATRC drew its staff, victims, perpetrators, and extraneous attendees became increasingly convinced of reconciliation's role and thus more, should they themselves become involved with the

²⁹⁸ Her sample thus includes seventeen witnesses who spoke favourably about reconciliation, eleven who held negative attitudes towards reconciliation, and two who did not mention reconciliation at all.

SATRC, to portray it as reconciliation centric. Reconciliation flowed from Tutu, to the Commissioners, to staff, to attendees, to the public and then back into the cycle, escalating itself.

I argued earlier that the public image of the SATRC was made up of the HRV hearings, amnesty hearings, official SATRC statements, SATRC sponsored marketing and information and media representations of all of the above. We will look at the amnesty hearings, where reconciliation seldom dwelt despite early links between the two, later when we discuss visibility and invisibility and memory and forgetting. We have already discussed Tutu's frequent reconciliation statements and the production of reconciliation at the HRV hearings. Left to consider, then, are officially sanctioned statements, marketing and education and media representations of the SATRC, which we will do now, in that order.

SATRC Press Policy

Given the theme earlier of reconciling Commissioners, it should come as no surprise that statements from the Commission were often reconciliatory in nature. Commissioners were actually forbidden from voicing doubts about the truth to reconciliation mechanism laid out in the PNURA. The second line of their code of conduct reads "It shall be improper for a Commissioner in any way to suggest, either publicly or privately, that the mechanisms of the Act are inadequate or inappropriate to attain the objectives of the Act" (SATRC 1995c). Unless a Commissioner wished to become subject to the disciplinary procedures outlined in the same document, he or she could not suggest that even if the Commission achieved all the tasks laid out the PNURA, it might fail to promote reconciliation. Nor could Commissioners other than Tutu and Boraine speak to the press, at least not officially (Boraine 2000a, 89). All formal SATRC statements came through the Chair, the Deputy Chair, or through the media relations department, headed by John Allen, on their instruction.²⁹⁹ Other Commissioners and Commission staff were reduced to 'leaking' statements to favoured journalists who would not reveal their source. It was thus difficult to create a debate on reconciliation and the Commission's relationship thereto either within the Commission

²⁹⁹ Even the Media Relations department was involved, John Allen stating on the first day of hearings "You cannot reconcile without spiritual healing" (AFP 1996); not the cynical message that one might expect from a media professional of nearly thirty years standing.

or outside it. Once the prevailing impression was one of a reconciling Commission, it was difficult to challenge: there was no space for a debate.

Boraine, meanwhile, seems mainly to have used reconciliation as part of the ‘carrot’ involved in persuading South Africa to join with the SATRC. When, for example, it was noted that white attendance at HRV hearings was disproportionately low, he argued that white South Africans needed to attend because, without them, reconciliation could not happen:

While I understand that the majority victims are blacks, this does not affect just one section of the population ... It was to do with the nation, reconciliation and forgiveness... I think they are shirking their responsibility in not being present ... If this persists it lessens the potential for reconciliation
(Boraine cited in APF, 2 July 1996)

He was not, as noted by Chris de Jager (2008), as focused on interpersonal reconciliation as Tutu, but rather utilised reconciliation to garner support, as with his letter to Nelson Mandela mentioned at the beginning of the previous chapter. De Jager (2008), Camerer (2008), Radue (2008) and Malan (2008), my right wing respondents, defined reconciliation as peaceful coexistence. If their definition was typical of their constituency, then Boraine was warning white South Africa that not to engage with the SATRC was to risk losing peace. This is not to argue that Boraine did not believe what he said, but that he was able, like any good academic or politician,³⁰⁰ to marshal the correct argument for the correct time and audience. When that argument involved reconciliation, however, he contributed to the prevalence of the idea that the Commission was focused on reconciliation.

Marketing, Education and Media

Also contributing to that perception were the ubiquitous slogans, shouted from posters and slung on banners wherever the SATRC went:

Revealing is Healing
Truth: The Road to Reconciliation
The TRC: Healing our Past
The Truth Heals

SATRC staff I asked about the slogans looked embarrassed. Fullard (2008) managed to “live with” them by reinterpreting them according to her own ideas. Orr (2008) quite

³⁰⁰ Boraine has been both. He obtained a doctorate in theology, then served as Methodist minister, becoming head of the Methodist Church in South Africa, and then left to become a Member of Parliament (Boraine 2008).

simply loathed them and their simplistic messages. Lax (2008) and Finca (2008) explained them just as ‘marketing’. Burton (2008) was more forthcoming. They were, she said, created by a marketing company, one of a number who tendered for the task of promoting the SATRC to the South African public (Ibid). The company was employed in that busy four months between the SATRC’s birth and its first step at the East London hearing (Ibid).

The period was marked, as discussed, by a furious pace of work in the face of marked chaos. By the 16th February 1996, the half way point between appointment and hearing, the Commission had yet to buy that paperclip, and had begun renting its empty head office in Cape Town less than a week previously (O’Loughlin 1996). Tutu announced the date of the first hearing for the symbolically important Tuesday after Easter that week; the Commission had less than two months to organise itself before it had to appear before the global press. The marketing campaign was chosen, Burton (2008) implied, as the least worst option. With limited time and an as yet unspecified budget, the Commission appointed them. Later, there would not be money spare to reappoint and redesign. Again, the Commission’s reconciliation centric message was the result of a lack of time and space for good decision-making. Perhaps the trite slogans were the result of a marketing executive’s response to the early statements made by Tutu and perhaps a brief reading of the preamble to the PNURA; whatever their cause, they certainly stress reconciliation very firmly. The Commission, pressed for time and already in conflict, accepted them. The banners would become emblematic of the SATRC, nearly always in view above the stage at hearings, and just off set in Commission offices, reinforcing the reconciliation message.³⁰¹

Educating the Public

I asked most of my insider respondents why, given their denial of a Commission focused on reconciliation in the face of massive public perception of such a thing, they did not embark upon a program of public re-education. This elicited a variety of answers, none of which provided the clear-cut explanation for which I was hoping. Orr (2008) and M Naidoo (2008) agreed that the Commission should have “made it clear that reconciliation was going to be a lifelong work for this country” (M Naidoo 2008), but did not. Orr (2008) blamed the Commission’s inability to “communicate better with

³⁰¹ See the *Special Report* archive

the country about what we were doing” on internal divisions and consequent organisational paralysis. Hanif Vally (2008) said that staff did not, as mentioned earlier, want to contradict the reconciliation Tutu projected out of respect for him. Others argued that they did tell the public that reconciliation was not a key aim of the Commission. Russell Ally (2008) said that “because the Commission was so public, symbolic, and visible” the perception was too entrenched. Lax (2008) said their protestations fell on deaf ears; people really wanted the reconciliation they thought the SATRC offered. In his words, “desperate people will always hear what they want to hear” (Lax 2008). Faizel Randera (2008) was not sure why people had not understood, explaining the SATRC had issued leaflets, been on the radio and television and in the papers. They had, he said, even used church meetings in order to spread their message. It seems to me that a church was not perhaps the best environment in which to try to persuade South Africa that the SATRC did not focus on reconciliation. Burton (2008) said that the Commission’s message changed over time, as discussed earlier, from one of reconciliation now to one of maybe reconciliation later.

Again, the SATRC’s approach to educating the public seems to be disjointed. This is perhaps to be expected; one cannot imagine Archbishop Tutu publicly announcing that the SATRC did not anticipate achieving reconciliation, that no one needed to forgive, that really the truth was the important thing. Without backing from its powerful Chair, the SATRC could not really hope to begin an organised campaign against its reputation as a reconciling Commission. Perhaps equally important, the Commission’s short time scale and high work load amounted to an extreme density of work. Bongani Finca (2008) noted that they did try to explain “but we had a number of things to do in a limited time”. Where was there the time to coordinate what must have seemed a minor problem when compared to, say, a HRV hearing happening the next day or a victim with an illness that would be life limiting unless financial assistance was found immediately? The Commission did not embark upon such a re-education program in a systematic way; the perception of a reconciling Commission continued.

The Media and the SATRC

The perception of reconciliation was magnified by the media. The SATRC was the first truth commission to live its journey in public (Hayner 2002). Boraine describes the Commission’s relationship with the press “Not a day passed when we were not reported

on radio. We were very seldom absent from the major evening news broadcasts, and we were, if not on the front page, on the inside pages of every newspaper throughout the two and a half years of our work” (Boraine 2000a, 89). Without such extensive coverage by the media, only a tiny minority of South Africans would have been affected by the SATRC; one per cent would be an overestimate of the number of people directly involved in the Commission.³⁰² The media interest made possible the claims of many of my interviewees that the Commission's work meant that no one in South Africa could claim illegal apartheid did not happen. It also made it possible for reconciliation centred messages to be transmitted to the population.

Only two interviewees specifically blamed the media for the perception of a reconciliation centric Commission. Malan (2008) said “I don’t think it was the TRC. It was the representation”. Madeline Fullard (2008) said it was the “reading of journalists”. Max du Preez (2008), journalist on and presenter of the Special Report violently denied this. Reconciliation, he argued, was present in the Commission; he neither made it up nor imagined it (Ibid). The question was perhaps not the best way to begin our interview. Du Preez feels very strongly that the media did not contribute to an over representation of reconciliation (Ibid). He himself explained the Commission’s role in terms of promoting reconciliation; in his words “do the work, expose the truth... so we can forgive each other and live together in peace” (Ibid) which is very similar to the line taken by Boraine. I am certainly not accusing the self proclaimed “butt kicking, hard living, cynical, reckless, maverick journalist” (du Preez 2004, 246) of being some kind of evangelist for reconciliation, wandering the airwaves proclaiming reconciliation, or asking victims and perpetrators to hug for his cameras. As I have spent this chapter demonstrating, the Commission did give the appearance of being focused on reconciliation. What the media did was pick up on this appearance and run with it.

Those first hearings in East London provided me with eight reconciliation centred discussions or statements. During the four days, they provided the Commission with a total of thirty two victims. Sixteen of those victims appeared on the *Special Report*.

³⁰² There are today around 45 million South Africans. One per cent of 40 million is 400,000; under 30,000 people directly participated in the process (around 20,000 formal victims, fewer than 500 staff, 7,000 amnesty applications): around 420,000 would have had to have attended the various public events for even one per cent of South Africans to have been even indirectly involved with the Commission.

Theoretically, each had an equal, 50%, chance of appearing on the *Special Report*.³⁰³ In reality, people who mentioned reconciliation were more likely to be shown; 75% of reconciliation speaking victims (six out of eight) as opposed to 42% (ten out of twenty four) of victims who did not discuss reconciliation. Given that we must expect that journalists would tell the nationally important stories (the Craddock Four; the PEBCO Three), the truly awful stories (Sizwe Kondile was roasted in the manner of meat while his killers enjoyed a braai a few feet away;³⁰⁴ while in detention Fezile Jacobs was shown a jar with the hand one of the Craddock Four inside and told it belonged to an ANC baboon³⁰⁵), and the newsworthy stories (Ernest Malgas' description of his torture made Tutu cry; Nohle Mohape was the first witness on the first day), we can perhaps go further and look at the 'little people' of the SATRC. The 'little people', those who were not nationally important, unusually horrific, or newsworthy and did not discuss reconciliation had only a 15% chance of appearing on the Special Report. If they did mention reconciliation they had a 67% chance of appearing.

This is just one hearing. It is not final, conclusive proof. Nor is it evidence of a reconciliation centred conspiracy constructed by the media in order to dupe an unsuspecting South African public into believing the SATRC was something that it was not. As Burton (2008) said "we assumed that there would be some people who would find a moment and that would inspire the rest of us". What the Special Report was offering was an opportunity for reconciling victims to inspire more people to efforts towards reconciliation. But in giving Mrs Savage the opportunity to repeat "I would like to meet that man that threw that grenade in a attitude of forgiveness and hope that he could forgive me too for whatever reason." (Beth Savage cited in Special Report Episode 1, 29.30) or Mr Stanford "Well I think reconciliation is taking place right now. ... I think that reconciliation is essential if the country is to succeed at all and I think it's

³⁰³ Thirty two victims testified. Sixteen were presented on the Special Report. Assuming that all victims are equal, each should have a one in two ($16/32=1/2=50\%$) or fifty percent chance of appearing on the Report.

³⁰⁴ Braai means barbecue in all South African languages; it has become a word used by all, although it originates in Afrikaans. Braais have a very strong cultural resonance for all South Africans; Desmond Tutu is patron of a charity which aims to bring South Africans together through braai. See Braai4Heritage 2010.

³⁰⁵ Krog writes of the difficulty of ensuring that people are forced to hear what the SATRC has to say "the past has to be put into reports that the bulletin writers in Johannesburg cannot ignore... we will have to use the spectrum of hard new techniques" (Krog 1999, 46) noting regretfully "How quickly our own language changes - fantastic testimony, sexy subject, nice audible crying..." (Ibid, 47). She regrets that she must chose the loudest crying and the most horrific tortures, but feels that white South Africa in particular must be dragged to an understanding of what happened (Ibid, 46-7).

vital that it becomes part and parcel of everyone's life.” (Stanford, Special Report Episode 1, 30.00) yet another layer of selection was taking place. More emphasis was being placed on reconciliation. More members of the public were coming to an understanding that the Commission was aiming for reconciliation.

The media were naturally going to be drawn to magnanimous, forgiving, reconciling victims. ‘Woman doesn’t reconcile with perpetrator’ is nearly as poor a headline as ‘Dog bites man’. Nobody ponders on why most Robben Island residents do not want to take tea with Betsie Verwoerd or obsessively support the Boks, they rather want to understand the reasons that Nelson Mandela does do these things. There is no Zapiro cartoon commenting on Wynand Malan’s lack of forgiveness towards the British who incarcerated ‘his people’, there is one on Tutu’s surfeit of forgiveness towards the perpetrators who murdered ‘his people’.³⁰⁶ Reconciliation and forgiveness are news. Vengeance and loathing are not.

It also provided an opportunity for journalists to find a good news story in amongst the otherwise unremitting awfulness of the Commission. In between the murders, rapes and torture, there had to be a positive, something good had to come out of all this evil and sadness:

“At the end of the meeting, the residents took a unanimous vote to forgive members of the hit squad. All parties embraced and shook hands. For the residents of Esikhawini, the nightmare was finally over” (Unnamed journalist, cited in SATRC 1998, Vol. 1, Chapter 5, 398)

“This thing called reconciliation ... if I am understanding it correctly ... if it means this perpetrator, this man who killed Christopher Piet, if it means he becomes human again, this man, so that I, so that all of us, get our humanity back ... then I agree, then I support it all” (Cynthia Ngewu, mother of Christopher Piet, cited in Krog 1999, 164)

“I feel what - what has brought my sight back, my eyesight back is to come back here, and tell the story. But I feel what has been making me sick all the time is the fact that I couldn’t tell my story. But now I - it feels like I got my sight back by coming here and tell you the story.”
(Lucas Baba Sikwepere, cited in Krog 1999, 46)

³⁰⁶ The distasteful phrase ‘his people’ is very South African in flavour; to a very real extent, South Africa remains divided into its apartheid era racial classifications. It is used here, with apology, because it is ethnographically correct; i.e. it is a common phrase. A search of the testimony given to the SATRC, for example, reveals 192 uses of phrase. Note that Mandela uses it, and did so in talking publicly. The quote reads: “...I have no hesitation in saying to F.W. de Klerk and his people: What I and my people suffered under your party’s rule we will never forget, but we forgive you, and I invite you, and them, to build a new country with us...” (Mandela cited in Van Zyl Slabbert. 2000: 63)

The two best-known SATRC journalists, du Preez and Krog, were both emotionally invested in the Commission.³⁰⁷ They understood the importance of finding stories like these to provide the light at the end of the tunnel. They did, however, perhaps reach for it too early. In presenting what we have seen as a produced, manipulated reconciliation as total truth, they (accidentally) over presented the reconciliation the Commission could achieve.

Commissioners' reconciliation

Journalists have not been the only insiders to over present the role of the Commission in reconciliation. Several Commissioners have written books about their time at the Commission, the most notable of which are Tutu's *No Future without Forgiveness* and Boraine's *A Country Unmasked*.³⁰⁸ Together with Krog's work, and the Final Report they comprise a golden quartet of must-reads for truth commission scholars. Each deals with reconciliation, and provides examples of the Commission's achievements in relation to reconciliation. These examples are often repeated. Included in all four are: Lucas Sikwepere's statement about getting his sight back; Cynthia Ngewu's positive attitude to reconciliation; and Beth Savage's offer of forgiveness to her perpetrator. Other statements or actions reflecting the Commission's achievements in relation to reconciliation, while they do not appear in all four, are repeated often in the insider literature. Anne Marie MacGregor's meeting with a man who served with her son in the South African army resulted in her acceptance of his death. She is reported as saying "So, Wallace is really dead" in Orr's work, the *Final Report*, and Tutu's book (SATRC 1998, Vol 4, 242; Orr 2000b, 257; Tutu 1999a, 149). Brian Mitchell's apology to the people of Trust Freed is included in Tutu's work and the Final Report. Two of my interviewees also mentioned it (Lax 2008, Mgojo 2008). The same case studies are repeated again and again. It is not possible to confirm that this is because the pool of reconciliation events is so small that it is not possible for insiders to pick unique reconciliation events, but this must be suspected.

A more pertinent question is why Commissioners and insiders are over promoting reconciliation after the Commission ended. They were, by then, aware of the tiny number of interpersonal reconciliation events, they had seen the famous Business Day

³⁰⁷ See Krog 1999 or du Preez 2004

³⁰⁸ Others include Orr's *From Biko to Basson*, Bell and Ntsebeza's *Unfinished Business*, Meiring's *Chronicle of the Truth Commission* and Pumla Gobodo Madikizela's *A Human Being Died That Night*. Most Commissioners and senior staff have written short articles. See Chapter 1.

survey suggesting that the SATRC had damaged, not furthered, reconciliation, they were aware of the number of victims who had found testifying a traumatic experience and the greater number who had simply been untouched by the Commission's work, giving a statement for one hour and then being ejected from the process.

Boraine, who in one article describes Tutu's language of forgiveness and reconciliation as "the language of potential" (Boraine 2001), and argues that the Commission could never hope to achieve reconciliation, gives four pages of examples of reconciliation in his book about the Commission (Ibid). Tutu describes the chapter on reconciliation in which these are included as "quite superb, and the best thing I have read on the subject" (Tutu, in Boraine 2000a, frontispiece). It is a comprehensive, densely packed chapter, with sections on criticisms of the Commission, what reconciliation means, examples of reconciliation from the Commission's work, suggestions for further actions towards reconciliation, a discussion of ubuntu, and another on reconciliation and apology internationally, all in under forty pages. In response to critics of the Commission's work towards reconciliation, he says:

my first reaction to the criticism that the TRC has achieved a measure of truth but little or no reconciliation has been to acknowledge this and to point out that the Commission never claimed to be able to reconcile the country; reconciliation is a process that has to be achieved by the entire South African community. But I have thought a great deal since this initial reaction and feel that I was overly defensive. Thinking about South Africa, with its many divisions and its bitter past, and wondering what I could write about reconciliation, I suddenly realised afresh that it is absolute nonsense to suggest that the process of reconciliation has not yet begun in South Africa. In fact it began well before the Commission was set up (Boraine 2000a, 345)

He goes on to give those four pages of examples, and then says:

The Commission not only played a role in assisting individuals to pick up the pieces of their lives and indeed to stretch out a hand of friendship to perpetrators, but also acknowledged frankly and frequently that reconciliation cannot be achieved by a single commission in a limited period and with limited resources. This we said over and over again, and in our final report we set out a number of recommendations for the continuation of reconciliation by all South Africans (Ibid, 356)

The messages he sends are confused and confusing. What does he think the Commission's role in reconciliation was? If from 22,000 victims he can only find the same few examples of reconciliation as every other work, then the Commission succeeded in reconciling only the tiniest minority of those who came to it. If this is the case, why is Boraine mentioning these cases at all? The contribution the Commission could make to reconciliation seems not to have been at the interpersonal, victim to

perpetrator, level. With so many people looking for such reconciliation, if there had been more, or more profound cases surely they would have been found? The inclusion of reconciliation case studies gives the appearance that Boraine believes this is the level at which the Commission was successful, but clearly it was not.

I suspect that the reason that the Commissioners persistently over produce the same few reconciliation stories is because they are, rightly, proud of them, of having been a part of something that was, in so many ways, so very wonderful. In telling us these stories, in giving us the image of a blind Lucas Sikwepere being led up to the witness stand only to tell the Commission that he felt that they had given him his sight back, they give us a little of the emotional rollercoaster they lived. To have achieved this for one person is an unquantifiable good. There is a Talmudic verse, made famous by the film *Schindler's List*, which reads "He who saves one life... saves the world entire". It was engraved on the ring with which Oscar was presented before he fled the home he had created for over a thousand Jewish people (Keneally 1994, 399). I think we can look at these reconciliation stories as emblematic of that truth, and also as perhaps the only way that insiders can make sense of the awful life they lived for the years of the Commission's existence.

When we read the published accounts of truth commission practitioners, we must recall the job they survived, and remember how this affected them. Out of the forty people I met who had worked for or with the Commission, only two recalled their work with total pleasure. Most respondents specifically mentioned how hard they had found the work emotionally, and that today they put effort into avoiding remembering that time. Krog describes the experience like this:

Week after week; voice after voice; account after account. It is like travelling on a rainy night behind a huge truck – images of devastation breaking in sheets on the windscreen. You can't overtake, because you can't see; and you can't slow down or stop because then you will never get anywhere. (Krog 1999, 48)

There is a clear awareness in the literature of the damage that this work wreaked on the people who undertook it. Most of the insider accounts mention how hard the work was psychologically, and several describe the impact:

The first signs are physical and emotional fatigue, inability to sleep, irritability, difficulty in concentrating, emotional numbing, somatic complaints like stomach pains and headaches; then come fear and distrust of others, memory complaints and aggressive

behavior. People... feel overwhelmed and demoralized... start withdrawing from friends and family... bad dreams... their tolerance for the outside world diminishes... (de Ridder 1997)

We none of us are alright (Watson 2008)

‘Would you say that the Archbishop’s cancer is a symptom of his suppressed anger?’
‘My! We are sharp in this group,’ says the psychologist. He shrugs his shoulders. ‘I won’t comment on that, but I can tell you that most of the Commissioners are experiencing harrowing physical illnesses’” (Krog 1999, 257)

I’m struggling to explain to myself why my mind has tried to block that time from my memory. Sometimes I think my soul has soaked up too much of the evil that was laid bare day after day (du Preez 2004, 246)

The Commission damaged those who worked on it. Trudi de Ridder argues that the way to cope with it was to understand the Commission as a nationally important exercise that did help people: “All things considered, the TRC staff have coped remarkably well with the stresses and the tasks they have confronted. One of the keys to their success is the knowledge that the work of the TRC has national importance and meaning” (de Ridder 1997). The enormity of 22,000 victims relying on you to make their lives a little bit better must weigh on the mind like nothing I ever want to understand. Commission insiders had to understand it, lived it for years. With the Commission over, and a government, who, as Wendy Orr (2008) noted, seemed to have no interest in providing reparations or implementing recommendations, all insiders had to hold on to were the exceptional people who had managed to find a way to initiate the reconciliation process in a substantive way. This is onto what they hold when nightmares wake them. This is what meant they “coped remarkably well” (de Ridder 1997). They did save one life, they have saved them all. What it means for scholars, however, is that the Commissioners appear to believe that the Commission was successful at the interpersonal level on a regular basis; that the Commission could achieve reconciliation in a sustained way.

Conclusions

In this chapter, we have examined how the myth of a reconciling truth commission came about. My interviewees placed the responsibility squarely at the feet of Archbishop Tutu, arguing that he was committed to the idea intellectually and spiritually and that his elevated position allowed him to be heard both inside and outside the Commission. He was supported by a group of reconciling Commissioners whose mandate, Finca said, was opposed to those Commissioners who considered their mandate to be truth. In an effort better to understand why the Commission did not

reconcile these important differences, we looked at the internal tensions of the Commission, which Wendy Orr (2008) blamed on the SATRC's inability to get its own "house in order". These, I argued, combined with the lack of training, the complex nature of the debates under discussion and the status of subjects as 'articles of faith' resulted in abortive meetings where discussions descended into the racially biased row which Wilson's work described. Further to this, Tutu's dictatorial management style and his faith that the President wished to see the mandate interpreted through the lens of an Archbishop meant that he was not likely to sponsor debates about whether the Commission should focus on reconciliation.

The Commission, before it had even held its first hearing, came to be known as focused on reconciliation as forgiveness. This reputation was compounded by the first hearing and has been added to ever since by a series of prominent reconciliation events and affecting speeches about the reconciliatory power of the Commission by victims. I feel very uncomfortable laying the responsibility for this reputation at the feet of one person, no matter how committed or well known. In noting that Tutu's reconciliation speak began very early on in the Commission's life, while the majority of Commissioners were both on holiday and required not to talk to the media, I argued that this created an initial perception of a reconciling Commission which created its own reconciling staff. People came to work for the Commission because they believed in its aims, they had heard Tutu's message and come to assist him in his goal. This was backed up by a number of statements by former staff explaining that they wanted to work for the Commission because they wanted to assist with the reconciliation project and they believed in the idea of facilitating reconciliation through truth.

As the Commission became more committed to reconciliation through self-selecting staff members, it created a similar impact on its victims. While the public came to believe that the Commission intended to conduct reconciliation, I argued that victims who disapproved of this message, or who were simply not interested in it, would have disproportionately self selected away from the Commission, and that reconciliation centric victims would have selected towards the Commission. In this way, even before victims met Commission staff, they were already more likely to make positive statements about reconciliation. I offered Wilson's work, examining the effects of one reconciliation centric statement taker on victims, as an example of the sort of impact

reconciling staff could have on victims. We then looked at Verdoolages' analysis of reconciliation in the public HRV hearings. She found that Commission staff were promoting reconciliation in several ways, pushing HRV hearings, which felt victim led, into producing reconciliation speak. The public hearings, perhaps the most important external face of the Commission, thus promoted a vision of a reconciliation-centric Commission.

We then looked at the other elements of the Commission's public image, including media representations, staff statements, publicity materials, and insider accounts. All these accounts overemphasised the reconciliation work in which the Commission was involved and under represented the important, but complicated message that my interviewees argued should have been central. It is critical to understand how easy it was to achieve this disproportionate emphasis. Reconciliation events and speak were interesting, moving, and began to provide the basis for a justification for the worst stories the Commission heard. In contrast, downplaying reconciliation work within the Commission was much more complicated. The Commission was, after all, legally required to promote reconciliation. Its staff could not deny that it had something to do with the grand project of reconciling the nation. Every time they wished to say 'we are here to promote reconciliation' and be heard and understood, they would have to explain a series of complex concepts. First, what 'promote' meant, then what 'reconciliation' meant, then how this differed from 'doing' reconciliation, then how 'promoting reconciliation' could be achieved and what the Commission intended to do to further this. The Commission never achieved a common understanding of any of these ideas within its own ranks. The argument it had to make was horribly difficult, and not possible without a sustained and careful explanation to an attentive audience willing to hear that the reconciliation that just about everyone agreed their country badly needed would take decades and quite possibly involve painful processes. Without such an argument, and such an attentive audience, the Commission maintained its reputation as reconciliation centric.

The idea of a misperception of the Commission's activities has been central to this chapter. It aimed to understand the puzzle posed by the perception of a reconciliation-centric Commission in the face of insider denials of reconciliation's importance, particularly given that the Commission appeared to promote this perception in its

hearings and other public activities. In so doing, it had repeatedly to give examples of reconciliation related activities in which the Commission took part, despite the central contention of this thesis that reconciliation was never intended to, nor did it, play an important role in the Commission. In this way, it suffered from the same problem as the Commissioners and staff who wished to downplay the role of reconciliation at the Commission; it had constantly to stress what role reconciliation had, and in so doing it actually contributed to the over stating of reconciliation within the literature focused on the South African TRC. A similar problem occurred during my interviews. Every time I asked a question about reconciliation; how it contributed to daily activities, what role it played in decision making, had the individual been involved in reconciliation events, what was the individual's personal definition of reconciliation, we had to talk about reconciliation. My interview notes filled up with one little letter 'R', my rather obvious shorthand for reconciliation. Re-reading them, it appears that both my interviewees and I are obsessed with reconciliation, and quite convinced that it is the central element of the truth commission process. Perhaps this tells us a little bit about the way in which reconciliation came to be seen as central to the Commission's mandate.

Chapter 8: Conclusion

The SATRC is today the global model for truth commissions. Robert Rotberg called it “the standard setting model of the practice” (Rotberg 2000, 4). It continues to be acknowledged as such today. The prominence of the SATRC as compared to its forbears, or, for example, its contemporary, the Guatemalan truth commission, seems largely to be because it is widely assumed that the SATRC promised not just to deliver truth, but also reconciliation (Gibson 2004, Moon 2008, Daly and Sarkin 2007). This thesis has demonstrated that it did not.

The two truth commissions which were considered a precedent by the SATRC, the Rettig Commission in Argentina and the Sabato Commission Chile, did not consider reconciliation to be within their remit. For the Argentinian commission, reconciliation was relevant only insofar as the truth commission did not believe that it would damage reconciliation (CONADEP 1984). For the Chilean commission, the truth it produced was a *necessary* but not *sufficient* condition for reconciliation (Rettig 1993). For the SATRC, meanwhile, Hayner tells us that “the message from the Commission was clear, setting the public’s expectation on the hope that reconciliation would actually be reached in the course of the Commission’s two and a half years of operation” (Hayner 2000, 40). This emphasis on reconciliation was an innovation, not a tradition.

This thesis sought to understand why that innovation was made. Reconciliation is an amorphous concept, stretching, as Chapter 3 demonstrated, across many axes. Reconciliation can be deep or it can be shallow; from ‘thin’ or ‘shallow’ peaceful coexistence to ‘thick’ or ‘deep’ reconstruction of shattered relationships. Reconciliation can be engaged with at different levels; from reconciliation with oneself or the truth, to reconciliation with another, to reconciliation between groups or reconciliation within the nation as a whole. Reconciliation can have different components, from truth to forgiveness to trust to empathy to democracy. These axes mask two further differences: the former relationship between the subjects of reconciliation and the intended future relationship between the subjects of reconciliation.

The conceptual breadth of reconciliation has important consequences. Reconciliation is commonly seen as a social good; to promote reconciliation is a necessary undertaking after periods of social instability or civil conflict. Lederach is most prominent among

those who see reconciliation as an irreplaceable element of sustainable, positive peace. In the Foreword to Lederach's major work on reconciliation, Richard Solomon explains his thesis like this:

Sustainable peace requires that long-time antagonists not merely lay down their arms but that they achieve profound reconciliation that will endure because it is sustained by a society-wide network of relationship and mechanisms that will promote justice and address the root causes of enmity before they can regenerate destabilising tensions
(Richard Solomon in Lederach 1997, ix)

Lederach's reconciliation is described as a prophylactic against future conflict. Given that around half of all countries emerging from civil conflict will return to it in less than five years (Ramsbotham, Woodhouse and Miall 2005, 222) we can understand the importance of such prophylaxis. It is thus essential to understand what promotes reconciliation and what does not. However, the vastness of the conceptual landscape occupied by reconciliation makes judging its promotion complex.

This complexity has led to an impasse in the literature (Borer 2001).³⁰⁹ Different reconciliations are conflated with each other: personal experience of marital breakdown is conflated with national level political reconciliation.³¹⁰ What James Gibson calls the 'causal assumption' of the SATRC, that 'truth leads to reconciliation', is the subject of innumerable papers but very little consensus.³¹¹ While, for example, Bloomfield, Barnes and Hughes (2005), following Lederach, treat truth as a cornerstone of reconciliation, Borer argues that the "truth to reconciliation model is so taken for granted that often little attempt is made – beyond the provision of anecdotal evidence – to determine whether it is in fact true" (Borer 2006, 30). Empirical research is available, but it is conflicted³¹². When we look at not just whether truth leads to reconciliation, but whether truth commissions lead to reconciliation, we encounter

³⁰⁹ It is not helped by the large conceptual terrain covered by the word 'truth'.

³¹⁰ See for example, Van Zyl Slabbert 2000.

³¹¹ See, for example: Gibson 2004, Vora and Vora 2004; Villa Vicencio and Verwoerd 2000; Van Zyl 1999; Tutu 1999; Stanley 2001; Slovo 2003; Simpson 1998; Sarkin and Daly 2007; Sachs 2000b; Rotberg and Thompson (2000; Posel and Simpson 2002; Minow 1999, 2000; Mendeloff 2004; McGregor 2001; Mamdani 1998; Lombard 2003, 2004; Kelsall 2005; James and van de Vijver 2001; Ignatieff 1996; Hayne 2002; Gibson and Gouws 1999; Freeman and Hayner 2005; Fourie 2000a; Chapman and van der Merwe 2008; Chapman and Ball 2001; Brahm 2007; Borer 2001, 2006; Boraine 2000a; Bloomfield, Barnes and Huyse 2003; Allen 1999; Allan and Allan 2000

³¹² For example, James Gibson (2004) concluded that while it was not possible to confirm if reconciliation and truth acceptance were causally linked, they seemed to enjoy a slight correlation in certain population groups. Ken Lombard, meanwhile, found that around half of South Africans felt the SATRC had not furthered reconciliation. The *SA Reconciliation Barometer* avoids the ideas of interpersonal reconciliation focused on by Gibson's (2004) paper and Lombard's (2003) respondents, preferring instead to look at reconciliation at the national level.

further problems. The many different interpretations of reconciliation allow a series of arguments discussing what sort of reconciliation a truth commission can promote and what sort of reconciliation they wish to promote.

The frequency of claims like “The TRC aimed both at interpersonal reconciliation between former offenders and survivors and well as national unity between former political opponents” (Abrahamsen and Van der Merwe 2005, 1), “reconciliation was central to the purpose of the Truth and Reconciliation Commission” (Tutu 1999, 7), and “the TRC process was designed to promote reconciliation at the national level” (Rigby 2001, 138) seems to authenticate the suggestion that the SATRC was intended to further reconciliation in some way.³¹³ Given that the SATRC was explicitly modelled on the Rettig Commission and, to a lesser extent, the Sabato Commission,³¹⁴ and given that to assist in this modelling a Commissioner from the Rettig Commission was invited to participate in preparatory activities including conferences, I expected to discover that someone had deliberately instigated a major shift in the truth commission model. This person would have known at what sort of reconciliation she or he wanted the truth commission to aim, and how she or he expected the truth commission to contribute to reconciliation. There would be a theoretical model. There would be a clearly thought out understanding of reconciliation. Once this model and conception of reconciliation had been learned, it would be possible to evaluate them theoretically or empirically. Michael Ignatieff has argued that the idea that truth commissions can promote reconciliation is an article of faith, arguing instead that “the function of truth commissions, like the function of honest historians, is simply to purify the argument, to narrow the range of permissible lies” (Ignatieff 1996, 113). To discover what sort of reconciliation was intended and how it was intended to be achieved is to purify the argument that surrounds the contribution of truth commissions to reconciliation. This thesis thus asked how the truth commission got its reconciliation. This is what it found:

In the 1980s, the edifice of apartheid wobbled. What had felt like an eternal system of racial domination shook just enough that it was possible to imagine what life might be like *after* apartheid. Adding to what must have been an unknowable burden of possibility and potential was the problem of what had been. As Chapter 2

³¹³ ‘Further’ here being very loosely meant; appropriate alternatives might include promote, do, encourage, facilitate, or even in the minds of some commentators ‘achieve’.

³¹⁴ See Boraine 2000a; Boraine, Levy and Scheffer 1996; and Boraine and Levy 1995

demonstrated, South Africa had suffered an eventful past characterised by conflict and segregation. It suffered legal wrongs at the hands of its government, like the Population Registration Act and Bantu Education Act. It also suffered illegal wrongs at the hands of government agents, like the murder of the Cradock Four, or the shooting of Rick Turner. It suffered further illegal wrongs at the hands of its 'forces of liberation', like the bombing of the Heidelberg Tavern or the Magoo Bar. To complicate the pain still further, in the late 1980s the township wars began, and Natal became the battleground for a violent ANC/IFP rivalry that would leave 16,000 people dead in four years (Chapman and Ball 2001).

In 1989, Frederik Van Zyl Slabbert addressed 'Options for the Future', an IDASA sponsored conference: "The NP is on a slippery slide towards accepting the idea of one nation. The debate about negotiations has now shifted and we are now talking about the kind of society we want to live in" (Van Zyl Slabbert, cited in Boraine 2000a, 29). For some people, this meant trying to work out how to operationalise the promises of the Freedom Charter, looking towards a future of hope. Others looked backwards, arguing that a country with a past as eventful as South Africa's needed to address that past in order that the past did not infect its future. One of these people was Alex Boraine, Van Zyl Slabbert's colleague at IDASA, former Head of the Methodist Church and an ex-MP. He explains the problem like this:

South Africa, like so many other countries, was faced with a past blighted by gross human rights violations which had occurred during centuries of colonialism, racism and repression. Like so many other countries South Africa also debated how to deal with the past
(Boraine 2000a, 2-3)

In the late 1980s the ANC's view, neatly summarised by Kader Asmal, was that the major problem was perpetrators, and that the answer was to "catch the bastards and hang them" (Asmal 1994, cited in Boraine 2000a, 13). Asmal spent a good deal of time researching a dossier of war crimes so that when apartheid ended, it would be possible to dispense justice quickly, not actually to 'hang them', but to provide them with due process and, if found guilty, punish them without recourse the death penalty, to which the ANC was officially opposed. There would no longer be impunity for those who

shot protesters in the back³¹⁵ or assassinated political activists on the floor of their children's bedroom.³¹⁶

This however, dealt with only part of the problem of illegal wrongs. The ANC was itself guilty of some serious abuses of human rights. While the apartheid state had punished all those MK cadres it could catch,³¹⁷ it did not have jurisdiction in other states. Conditions in camps over the border were rumoured to be exceptionally bad. Complaints reached the ANC NEC, and two Commissions of Inquiry were instigated³¹⁸. They reported twenty nine disappearances and thirty two cases of torture and abuse of cadres by cadres. At an ANC NEC meeting discussing the reports, Pallo Jordan persuaded the room that violations by both sides must be considered together. The ANC would not just examine its own wrongs, but also those committed by the apartheid forces. A commission of truth would publicise the wrongs and name the guilty of both sides.

Later that year, those trying to finalise the Interim Constitution, the document explaining how the first democratic government would function, were informed that were there not to be an amnesty, the army would not protect the elections for that government and the right wing would attempt to prevent them. Despite having benefitted from two amnesties themselves,³¹⁹ the ANC negotiators were not comfortable with such an amnesty. A fax was sent to Albie Sachs in London. Sachs had a solution: they would combine a limited amnesty with the truth commission. This was to be implied by the use of the term 'reconciliation' in the Postscript. It thus reads:

The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society...there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation....In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past.
(Interim Constitution, Chapter 15, NUR clause)

South Africa's 1990 and 1992 amnesties had both referred to reconciliation. They were not associated with a truth commission. Reconciliation, notes Jody Kollapen (1993),

³¹⁵ As happened at Sharpeville.

³¹⁶ Dr. Rick Turner was shot through his children's bedroom window in 1978. His daughter Jann, now a successful film director, but then a child of 13, woke up in time to try to prevent her father's death. She was unsuccessful. See Turner 1997.

³¹⁷ For example Robert McBride, who had planted the bomb at Magoo's, was in prison.

³¹⁸ These are now considered truth commissions. See Hayner 1994, 2002.

³¹⁹ The Indemnity Act 1990 and the Further Indemnity Act 1992.

can be furthered by amnesties. In chapter 3 I argued Sachs must be remembering wrongly. The NUR clause guarantees amnesty, not a truth commission, in the name of reconciliation.

Meanwhile, Alex Boraine was researching methods of ‘dealing with the past’, and received persuasive advice from Aryeh Neier, then Chair of the Open Society Institute, but formerly Executive Director of Human Rights Watch. Neier argued, just as he had done in a 1992 letter to F. W. de Klerk, that South Africa needed a truth commission along the Chilean model. In the letter to de Klerk, Neier had suggested that such a Commission would promote two key goods: accountability and acknowledgement (HRW 1992). It would hopefully not damage efforts towards reconciliation, and might allow reconciliation based on truth, rather than denial, which the letter suggests is not proper reconciliation (Ibid). Boraine, advised of their benefits by Neier, began to use IDASA to promote the idea of truth commission for South Africa. He organised two conferences to explore the possibilities and at these, ‘dealing with the past’ was very much focused on the victims of gross violations of human rights. Where the ANC looked to ‘deal with’ perpetrators, the third sector, as represented at Boraine’s two conferences focused on ‘dealing with’ victims, specifically through acknowledging their past, and publicising the truth of that past. ‘Victims’ here did not mean ‘victims of apartheid’ but ‘victims of illegal wrongs’.

Historically, truth commissions had focused on individual victims of individual crimes. Priscilla Hayner (2006) provides a ‘schematic overview’ of truth commissions. One of the variables she tabulates is “Total number of cases presented” (Ibid, 308), another “Principal acts documented by commissions” (Ibid, 307). Truth commissions do focus on individual violations of individual people, but the more successful truth commissions provide a meta-narrative to explain any patterns found in these violations (Hayner 2002, Chapman and Ball 2001).³²⁰ The SATRC was more focused on individuals than many truth commissions and is commonly argued to have substantially failed in providing a meta-narrative because its mandate prevented it from examining early apartheid, social apartheid, or indeed any of the history outlined in Chapter 2 prior to 21 March 1960

³²⁰ There are Commissions which focus less strongly on individual violations, but these are not typical. Germany’s truth commission, a collaborative government sponsored research report written by academic historians, is one such exception.

(Chapman and Ball 2001; Bundy 2000; Posel 2002).³²¹ Rather than focusing on the social history of apartheid, of the *legal* wrongs, the SATRC addressed the *illegal* wrongs of apartheid, 'dealing with' both victims and perpetrators.

As Chapter 2 demonstrated, South Africa had experienced a long past of *legal* wrongs, wrongs that were in fact enshrined in law.³²² The Bantu Education Act, the Population Registration Act, the Group Areas Act, the Reservation of Separate Amenities Act, the Separate Registration of Voters Act, and the Prohibition of Mixed Marriages Act were among around one hundred laws which were supposed to keep development separate and ensure the eternal *baasskap* of white people.³²³ Throwing people out of windows at John Vorster Square kills them,³²⁴ but so does instigating a system of work which means that, separated from their families, their consequent sexual promiscuity leads them to contract HIV. More immediately lethal is starvation in a barren homeland. The Bantu Education Act, intended to ready black people for a life of menial labour, was very effective. In 2001, 47.7% of black South Africans over 20 had only received education to primary level (StatsOnline 2003). 3.4% of white South Africans over 20 were in the same situation (Ibid). It would have been more effective if there were any menial jobs for which this under-educated sub-class could apply (Ibid). A little over a quarter of black South Africans were unemployed in 2001 (Ibid). Apartheid means black South Africans are poorer than their white compatriots. The most recent census data reveals that 38% of black South African homes light their homes with paraffin or candles (Ibid). Only 0.38% of white South African homes do likewise (Ibid). Almost all white South African homes have access to piped water, only 80% of black South African homes do (Ibid). 0.7% of white South African homes do not have a toilet³²⁵. 17% of black South African homes do not have a toilet at all³²⁶. Apartheid has had

³²¹ This is perhaps due in part to its individual amnesty.

³²² As Chapter 2 outlined, it had also suffered 350 years of what the United Party (the formal opposition during early apartheid) condoned as "*the so called traditional colour policy that has been practised in South Africa for years ... a policy of social and residential separation*" (Wilson, cited in Peacock 1957)

³²³ Mandela explains 'baasskap' as "boss-ship", or the idea that black people should be subservient to white people (Mandela 1995a, 128)

³²⁴ John Vorster Square was the location of the old police headquarters in Pretoria. Ahmed Timol was the first person to die in this manner.

³²⁵ 'Not having a toilet' means having none of the following: Bucket latrine, Pit latrine without ventilation, Pit latrine with ventilation, Chemical toilet, Flush toilet (with septic tank), or Flush toilet (connected to sewerage system) (StatsOnline 2003)

³²⁶ Perhaps apartheid's most depressing consequence is that it is possible to analyse South Africa's 'races' through household head. Statistics South Africa is able to assume that because the household head is a given 'race', so are his or her householders. Even with the repeal of the Mixed Marriages

horrible legacies. It is unsurprising that the UN classified it a crime against humanity (UN 1973).

Mahmood Mamdani states that “the TRC considered as a gross violation only that which was a gross violation under the laws of apartheid” (Mamdani 2000, 60). The important consequence for him was that:

injustice is no longer the injustice of apartheid: forced removals, pass laws, broken families. Instead, the definition of injustice has come to be limited to abuses within the legal framework of apartheid: detention, torture, murder. Victims of apartheid are now narrowly defined as those militants victimised as they struggled against apartheid, not those whose lives were mutilated in the day-to-day web of regulations that was apartheid. We arrive at a world in which reparations are for militants, those who suffered jail or exile, but not for those who suffered only forced labour and broken homes. (Mamdani 1998, np)

I would argue that the tragedy of what Mamdani calls the SATRC’s “narrow lens” (Ibid) is that reconciliation came to be seen as focused at the individual level (Hayner 2002, 2000b; Moon 2008; Verdoolages 2008). As Chapter 7 demonstrated, when Commissioners wish to argue the successes of reconciliation, they focus at the interpersonal or intrapersonal levels. Thus we hear of the healing Lucas Sikwepere received (intrapersonal reconciliation) or Beth Savage’s offer of forgiveness to her perpetrators (potential interpersonal reconciliation). However, the SATRC could not possibly have facilitated interpersonal reconciliation for an entire nation; it did not have the resources. At the interpersonal level, there were too many victims of too many violations and too few perpetrators willing to join a reconciliatory project. Second, as Madeline Fullard (2008) noted, when perpetrators and victims did meet, it was normally at the very end of an amnesty hearing, “when the chairs were being cleared away” (Fullard 2008). It was not something the Commission felt resourced to facilitate.³²⁷ At the intrapersonal level, there was again a lack of resource. ‘Briefers’ and ‘statement takers’ were not sufficiently trained to provide psychological support (Quinn and Freeman 2003). It is commonly argued that victims might feel ‘catharsis’ or receive healing from speaking about their past (Boraine 2000a, Tutu 1999), but there is a growing consensus that speaking about the past only briefly, while occasionally beneficial in some respects, is unlikely to bring about deep personal healing or closure required by some models of intrapersonal reconciliation (NICE 2005, Wilson and

Act, people only very rarely fall in love outwith their racial group.

³²⁷ Note also Ginn Fourie’s complaints that the SATRC did not help her journey of conciliation with her perpetrator (Fourie 2008) or see Hamber et al 1998 for a discussion of other survivors complaints of the SATRC’s lack of assistance when they wanted help to meet their perpetrators.

Hamber 2002, Hamber 1998, Allan and Allan 2000, de Ridder 1997b). Where we imagine intrapersonal reconciliation as 'reconciliation to a truth', in some cases the 'truth' needs to be uncovered. While the SATRC attempted achieve this, its Investigations Unit became bogged down in a mire of cases, police obstruction, and verification processes required for certain legal findings (Bell and Ntsebeza 2003; Quinn and Freeman 2003; Cherry, Daniel and Fullard 2002, Chapman and Ball 2001). Most of the 21,000 victims did not find out new information about their cases (Ibid). The SATRC was not equipped to provide victims or perpetrators with the sort of reconciliation it was perceived as offering.

The reason that the SATRC was not equipped with facilities to conduct reconciliation was that it was not supposed to conduct reconciliation. Its architects did not intend a reconciliation centric body. This central finding of the thesis is based on a series of places reconciliation did not dwell. In Chapter 2, it was argued that no former truth commission had focused on reconciliation; reconciliation did not dwell in the original truth commission model. In Chapter 4, we looked at the genesis of the SATRC as an idea, a solution to the problem of 'dealing with the past'. The first part of the chapter looked at Mandela's influence as the "embodiment of reconciliation" (Nyobole 2008) but rejected my interviewees' assertions that reconciliation became part of the SATRC through a complicated osmosis from the President. Rather, it argued that the reconciliation element of the truth commission came from a South African tradition of conducting amnesties in the name of reconciliation as discussed above. To confirm this, it reviewed the proceedings of Alex Boraine's *Dealing with the Past* conference, where reconciliation played a very minor role, appearing most commonly during a panel telling entitled 'Reconciliation and Amnesty'. The three articles written by Kader Asmal, a major proponent of the truth commission within ANC circles, all of which aimed to promote a truth commission only refer to reconciliation insofar as to rebut the claim that amnesia can promote reconciliation. Although a close colleague of Sachs, he failed to confirm that the ANC believed truth commissions and reconciliation were linked. Reconciliation became correlated with the truth commission because first it was politically expedient to link 'truth' to 'reconciliation' because it quelled fears of vengeful truth, and second because it was both traditional and politically expedient to link 'amnesty' and 'reconciliation' because it quelled demands for justice.

Reconciliation, Chapter 4 argued, did not dwell in early conceptions of a truth commission as a primary goal.

Chapter 6 confirmed that reconciliation was not a central aim of the truth commission at the legislative stages. The Act creating the Commission, the PNURA, was argued by my interviewees to be euphemistically named. It was not an Act deliberately enabling a truth commission to facilitate reconciliation. Its authors did not believe that truth would lead to reconciliation. No additional clauses were added to provide it with the mechanisms to achieve reconciliation. It was an Act without a meaningful conception of reconciliation and one which was not intended to create a reconciling Commission. The Presidential Committee appointing the Commissioners valued the concept of reconciliation, but did not select Commissioners on the basis of the contribution they would make to reconciliation. Reconciliation dwelt neither in the legislative nor Committee stages of the Commission's creation.

Only once the Commissioners had been appointed did reconciliation become a part of the Commission. Its head, Archbishop Desmond Tutu, was never told that it was to be a Commission of Truth and Reconciliation only in name, and he set about creating a Commission that lived the reconciliation for which it was titled. This is when the truth commission got its reconciliation. Charismatic, head strong, rigorously moral and with a strong religious conviction, Tutu led his Commission towards his understanding of the Act that had created it. Commissioners Burton, Ntsebeza, and Burton had all been involved in the creation of the SATRC; they must have known that in the planning stages, the SATRC was not a reconciling Commission. Nonetheless, they let 'the Arch's' conviction carry them along. While Boraime refers to Tutu's rhetoric as the 'language of potential' (Boraime 2001), he still provides a platform for the reconciliatory achievements of the Commission in both his biographies (Boraime 2000a, 2008). Ntsebeza, never slow to correct a misperception, does not use his memoir of the Commission to correct Tutu's vision (Bell and Ntsebeza 2003). Burton, who did not want to apply to be a Commissioner because she felt that it would be a legalistic exercise aimed solely at finding the truth, was freed by the Archbishop's reconciliation centric commission and tried desperately to further his vision with her Register of Reconciliation and her continuing commitment to a better South Africa.³²⁸ Finca told

³²⁸ The 'Register of Reconciliation' was a series of books (one in each of the four regional offices of the

me that the Commission could be divided into reconciling Commissioners and Commissioners for whom reconciliation was, at most, a subsidiary aim. None of the Commissioners unconvinced by Tutu's vision of reconciliation have spoken out. As Krog commented: "The process is unthinkable without Tutu." (Krog 1999, 230); who would undermine him?

Chapter 7 argued that Tutu's impetus created a mirage of his own idea of a reconciliation centric Commission. However, the Commission was not, as the above has argued, provided with legislation enabling reconciliation centric activities. This meant that at the levels at which it was perceived as offering reconciliation, it failed so to do in the majority of cases. Despite its lack of explicit facilities to promote reconciliation it turns out leading scholars on reconciliation can see something in Tutu's vision of a reconciliation centric Commission. The truth commission model is one in which they can see potential. Throughout Chapter 3, echoes of the truth commission were seen in ideas about reconciliation. Imaging reconciliation along the lines of Kairos, we can see a strong commitment to a form of justice for victims. Following Mani (2002), we can see its commitment to a carefully balanced web of justice: legal (a strong emphasis on due process combined with the retributory element of perpetrators shame at revealing their crimes), rectificatory (reparations, acknowledgement from respected persons and the nation, and a corroboration of their truth) and distributive (recommendations regarding wealth taxes and strong arguments made that no reconciliation is possible in an unequal South Africa) and thus its contribution to 'positive peace'. Lederach's vision of Psalm 85 as reconciliation is strongly related to the Commission: "Mercy and truth are met together; righteousness and peace have kissed" (Psalms 85, 10); very few places emphasise these four qualities as often or as sincerely as the SATRC. Volkan (2006) has argued the SATRC as potentially contributing to the denigration of 'chosen traumas', as helpful to their erosion and consequently opening up possibilities for reconciliation. Montville (2006) believes that the respect shown for the feelings and thoughts of conflicting parties, especially victims, during the SATRC process is a necessary step towards a conflict resolution which fulfils its promise to resolve conflict and promote reconciliation. Empathetic models of reconciliation ask subjects to engage in an understanding of the other, and the

SATRC) and an online store which together were intended to facilitate, in particular, white South Africans pledges towards reconciliation. Sadly, it has been under used by South Africans, with the majority of comments seeming to come from international admirers of the Rainbow Nation.

public airing of individuals' truth can go some way to furthering this. To learn that 'baby eating communists'³²⁹ and violent, dangerous MK activists are human beings who feel real pain is to provide at the least an opportunity to begin trying to understand. Looking towards national or political reconciliation, we continue to find parallels with the truth commission. The ICTJ's civic trust can be facilitated by a government which shows due respect for the needs of those who had previously been victimised but does not enact revenge on their victimisers. Charles Villa Vicencio's idea of 'political reconciliation' is explicitly based on his understanding of reconciliation as facilitated by the SATRC, and it too, unsurprisingly, correlates well with what the SATRC offered. Even minimal conceptions of peaceful coexistence are furthered by a lack of revenge in governments, revenge which the amnesty element of the SATRC precludes.

Along the axes of reconciliation plotted by Chapter 3, we can see a series of conceptualisations of reconciliation the majority of which can be seen as correlated with some elements of the SATRC. The two are not causally linked in the majority of cases, it is seemingly coincidence that the SATRC includes some elements of so many different conceptions. Despite the links between the elements of SATRC practice and elements of reconciliation's conceptualisation, and despite Tutu's commitment to the idea that reconciliation was central to the SATRC project, Chapter 5 argued that reconciliation was not adequately conceptualised by the Commission. Reviewing the definitions provided by my interviewees, it was clear that consensus was minimal. There were elements of agreement; understanding the other and relationship forming were popular, as well as reconciliation focused on resolving the past in some way, and peaceful coexistence was also commonly mentioned. But within these areas of agreement were some large disagreements; de Jager imagined peaceful coexistence as perfectly compatible with apartheid, while for Hofmeyr it was a safety net that would sustain South Africa while it waited for deeper reconciliation to occur at different levels of society. The definitions of reconciliation each individual held were, by and large, dependant on their perception of what sort of reconciliation South Africa needed. The SATRC had not only failed to provide an adequate conceptualisation of reconciliation, but an adequate conceptualisation of who and what needed reconciliation. This was symptomatic of the deficit of discussion from which the Commission suffered.

³²⁹ As, for example, Joe Slovo, head of the SACP and MK, was labelled (Asmal, Asmal and Roberts 1996, 5).

Chapter 7 argued that this deficit of discussion was partly the result of poor relationships within the Commission. Many interviewees mentioned the difficulty of communicating with other Commissioners and Commission staffers. Many of the Commission memoirs mention it, some discuss it at length.³³⁰ Recall Thulani Granville Grey, the SATRC psychologist's comment: "it all became too polarised around race ... yet again" (Thulani Granville Grey cited in Wilson 1999, 102). Toxic relationships whose conflict hinged on race are not conducive to calm discussions on reconciliation. In the emotive conditions of the Commission, with frantically busy people desperately trying to do their best for the thousands of victims who relied upon them, such arguments could have strained working relationships to the extent that the Commission stopped working. So the Commission did not debate reconciliation, it tacitly agreed not to determine what it was, not to decide where it was needed and, crucially, not to agree on the role it played within the Commission's mandate.

Without such a debate, its Chair was free to continue to promote his vision of reconciliation within his vision of a reconciling Commission. This he did, with considerable flair, dominating HRVC hearings and using them to involve victims in his search for reconciliation. The end of Chapter 7 examined the methods by which the Commission came to known as reconciliation centric. The refusal of Commissioners and staff to contradict Tutu's vision within the Commission, the binding contract all had signed promising not to undermine the terms of the Act, and the lack of access they had to the press were all argued as key. The publicity materials focused strongly on reconciliation, and while many staff and Commissioners were uncomfortable with their message, they continued to use them. The media focused strongly on reconciliation, stressing positive reconciliation role models and events. After the Commission was over, when insider memoirs began to be published, they repeated the positive reconciliation events they had witnessed, and so reinforced the perception. A Commission created without the intention of reconciliation and without a single provision deliberately designed to promote reconciliation, came to be seen globally as a body single mindedly aiming for reconciliation.

I would argue that what South Africa has given us is an opportunity. When Tutu read the Act, he seems to have realised that truth commissions had the potential to be

³³⁰ See Orr 2000a, Borraine 2000a, Tutu 1999, or Watson 1997.

vehicles for reconciliation. The correlations between elements of truth commissions and elements of different conceptions of reconciliation suggests that they would provide an excellent medium for a carefully strategised effort towards reconciliation. Indeed, the SATRC did achieve some remarkable instances of reconciliation, which I will not redocument here, but which I wish to acknowledge. In so doing, it may have furthered reconciliation at the national level. As Long and Brecke (2003) argued, symbolic reconciliation events seem to contribute to lasting peace. It achieved these reconciliation events without having a proper conception of reconciliation, a proper idea of the mechanisms of reconciliation or a proper plan as to how it could further those mechanisms. Future truth commissions need to be planned either to follow the early truth commission model and at most conceive of their work towards truth as a necessary *but not sufficient* condition for reconciliation and thus not expect reconciliation, or they need to be provided with well thought out mechanisms that can promote reconciliation as based on the considerable literature and a thorough understanding of the levels and depths of reconciliation wanted. The literature is conflicted, but there are areas of agreement, and these were highlighted in Chapter 3. If policy makers were carefully to consider where along the axes described they wished to posit reconciliation in their state, they could begin to work towards a mechanism of reconciliation they felt would work in the local context and then provide the truth commission they designed with the necessary mechanisms to further their vision of reconciliation.

South Africa did not think about the sort of reconciliation it wanted from its truth commission because its truth commission was never intended to promote reconciliation. I think that the reconciliation South Africa needs is not based at the interpersonal level, but reconciliation between 'races'. Black people and white people and coloured people and indian people seemed to me to enjoy a very uneasy relationship. Of course I did not see apartheid. I never saw someone get off the pavement so another could pass. I never had to be either person. But I do live in a country with its own race relations problems. Before I went to South Africa, I thought I knew racism. I returned home eternally grateful for the incredible toleration of my compatriots. While I am quite sure that South Africa is a more reconciled place today than it was 15 years ago, I am also quite sure it needs to address the vitriolic racism and social division that seemed endemic to me. South Africans believe that they received their country's best attempt at reconciliation during the SATRC, they do not know it was not designed to facilitate

reconciliation. In the literature, Hayner (2002; 2001) argues that this has bred disappointment and disillusion with the reconciliation project. Interviewees often talked to me about their hopes for the possibility that their children might manage reconciliation inter-racially. Volkan describes the intergenerational transmission of trauma: “there is fluidity between a child’s “psychic borders” and those of the mother and other caretakers, and the child-mother/caretaker experiences generally function as a kind of “incubator” for the child’s developing mind” (Volkan 2006, 27). If he is correct, then South Africa needs to take its reconciliation project more seriously than hoping children might somehow not notice that their parents have trouble relating to people outside their own ‘race’.

South Africa’s reconciliation project needs funding and thought and energy. I think it needs to address itself to race, and racism and 350 years of both. Throughout this thesis, different people have argued that truth is important to efforts towards reconciliation. It is common for those commenting on the SATRC to argue that its major contribution to South African society was that today, it is impossible to claim that gross violations of human rights were not committed by all sides during the struggle to end apartheid.³³¹ The SATRC purified the argument about *illegal* wrongs (Bundy 2000). I would argue that in order for South Africa to accelerate an inter-racial reconciliation project, which I think it must do, it needs to purify the argument about *legal* wrongs.

³³¹ See, for example, Boraine 200a, Tutu 1999a, and Villa Vicencio and du Toit 2006,

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Appendix I: The Victims

These are the victim reports, as found in SATRC Final Report Volume 7, of every victim mentioned by name in this thesis, as well as the victims of Estcourt, used in an analysis in Chapter 6. The SATRC's victim list is 935 pages long. Its preface reads as follows:

Many unnamed and unknown South Africans were the victims of gross violations of human rights during the Commission's mandate period. Their stories came to the Commission in the stories of other victims and in the accounts of perpetrators of violations.

Like other victims of political conflict and violence in South Africa, they experienced suffering and injury. Some died, some lost their homes. Many experienced the loss of friends, family members and a livelihood. Some experienced brutality at the hands of the security forces or vigilante groups. Others experienced ill-treatment at the hands of members of the liberation movements and other political organisations.

The unknown victims of human rights violations in South Africa were not necessarily aligned to any particular political organisation or party. Neither were they confined to a particular province or region in the country. Men and women, young and old alike fell victim to the violence and suffering spawned by Apartheid.

SATRC 200

AGGETT, Neil Hudson (28), died in detention at John Vorster Square, Johannesburg, on 5 February 1982, following a period of torture, including a 60-hour interrogation session and two months of solitary confinement. Mr Aggett was the Tvl Secretary for the Food and Allied Workers Union. A member of the Special Branch has applied for amnesty for this incident

BASI, Mdedelwa, an IFP supporter, was shot dead by other IFP supporters on 16 November 1990 at Wembezi, KwaZulu, near Estcourt, Natal, because he was thought to be an informer for the ANC.

BHENGU, Bhekinkosi (53), an IFP supporter, was shot and injured and lost his home and shop at Loskop, near Estcourt, Natal, in an attack by ANC supporters on 30 April 1993.

BIKO, Steven Bantu, a banned senior member of the Black Consciousness movement, sustained severe brain injuries while being interrogated by members of the Port Elizabeth Security Branch on 6 September 1977. He died of his injuries on 12 September 1977 after being transported in the back of a police vehicle some 1200 km to the Pretoria Central Prison hospital. Five members of the Port Elizabeth Security Branch applied for amnesty for his death, claiming that the injuries had been inflicted accidentally during a violent scuffle. Amnesty was refused (AC/1999/0020).

BUTHELEZI, Msizi (12), from an ANC-supporting family, was stabbed to death and mutilated by named IFP supporters on 16 December 1991 in Wembezi, KwaZulu, near Estcourt, Natal.

BUTHELEZI, Thulani Vincents (17), an IFP supporter, was shot dead when named ANC supporters ambushed his car in Estcourt, Natal, on 16 December 1992. Two of the five IFP supporters with whom he was travelling were killed, while three were injured.

CALATA, Fort, a UDF activist, was one of the Cradock Four abducted by the Eastern Cape Security Branch while travelling to Cradock, on 27 June 1985. He was stabbed near Port Elizabeth, after which his body was burnt. Six Eastern Cape Security Branch

operatives, including the divisional commander, were refused amnesty for the killings. The commander of Vlakplaas was granted amnesty for knowledge of the incident (AC/1999/0350).

CEBEKULU, Harriet (53), an ANC supporter, lost her home in an arson attack by IFP supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 17 August 1992.

CELE, Mkhokheli Michael (46), an IFP supporter, was shot dead by ANC supporters on 16 September 1993 near Estcourt, Natal.

DHLADHLA, Jabu Constance (50), an ANC supporter, was shot dead by IFP supporters in Estcourt, Natal, in October 1992.

DHLAMINI, Bhukumuzi Meshack (39), an IFP supporter, was shot dead by ANC supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 17 November 1990.

DLADLA, Dumsani (30), an IFP supporter, was shot dead by ANC supporters at Estcourt, Natal, on 26 August 1993, in continuing political conflict in the area.

DLADLA, Jabulani Derrick (31), an IFP supporter, had his home destroyed in an arson attack by ANC supporters in Estcourt, Natal, during 1993, in political conflict in the area.

DLADLA, Manqoba, an IFP supporter, was shot dead by named ANC supporters at Estcourt, Natal, on 22 February 1992, in ongoing political conflict in the area.

DLADLA, Teresa Mbhalenhle (25), an IFP supporter, had her house burnt down by ANC supporters at Wembezi, KwaZulu, near Estcourt, Natal, in December 1991.

DLAMINI, Gladness Busiswe (43), an ANC supporter, had her home burnt down by IFP supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 17 August 1992.

DLAMINI, Jabu Eunice (39), an ANC supporter, was beaten and shot in Wembezi, KwaZulu, near Estcourt, Natal, 25 November 1992, in ongoing political conflict in the area.

DLAMINI, Layekile Veronica (64), an ANC supporter, had her house destroyed in an arson attack in Wembezi, KwaZulu, near Estcourt, Natal, on 16 August 1993, in continuing political conflict in the area.

DLAMINI, Mamo Josephina (70), an IFP supporter, had her home destroyed by ANC supporters at Ntabamhlophe, near Estcourt, Natal, on 9 September 1993, in continuing political conflict in the area.

DLAMINI, Matshu (54), an ANC supporter, was shot dead by IFP supporters at Estcourt, Natal, on 16 August 1993, in continuing political conflict in the area.

DLAMINI, Soy Irene (36), an Inkatha supporter, had her house destroyed in an arson attack by UDF supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 10 May 1989, in intensifying political conflict in the area.

FIRST, Ruth (57), a leading ANC/ SACP intellectual and the director of research and investigation at the Centre for African Studies at Eduardo Mondlane University in Maputo, Mozambique, was killed in her office by a letter bomb on 17 August 1982. Before going into exile, Ms First, from Johannesburg, had also been detained and kept in solitary confinement for 117 days in 1963. Two members of Security Branch headquarters were granted amnesty for her killing (AC/2000/082). At the time of publication, the First family was contesting the decision through the courts.

FOURIE, Lindy-Anne (23), a civilian, was shot and killed when APLA operatives attacked the Heidelberg Tavern in Observatory, Cape Town, on 30 December 1993. Four people were killed and seven were injured during the course of the attack. See APLA attacks. Three perpetrators were granted amnesty (AC/1998/0026).

GALELA, Champion, a member of PEBCO, and two colleagues, were abducted from the Port Elizabeth airport in a joint Eastern Cape and Vlakplaas operation on 8 May 1985. The PEBCO Three were allegedly severely assaulted, then shot dead. Their bodies were doused with diesel fuel, set alight and burnt, and their remains were allegedly thrown into the Fish River. Five Eastern Cape Security Branch operatives, including the divisional commander, and four Vlakplaas operatives applied for amnesty. Two of the applications were granted and six were refused (AC/1999/0223 and AC/2001/064).

GODOLOZI, Qaqawuli (29), a member of PEBCO, and two colleagues, were abducted from the Port Elizabeth airport in a joint Eastern Cape and Vlakplaas operation on 8 May 1985. The PEBCO three were allegedly severely assaulted, then shot dead. Their bodies were doused with diesel fuel, set alight and burnt, and their remains were allegedly thrown into the Fish River. Five Eastern Cape Security Branch operatives, including the divisional commander, and four Vlakplaas operatives applied for amnesty. Two of the applications were granted and six were refused (AC/1999/0223 and AC/2001/064).

GONIWE, Matthew, a UDF activist, was one of the Cradock Four abducted by the Eastern Cape Security Branch while travelling to Cradock, on 27 June 1985. He was stabbed near Port Elizabeth, after which his body was burnt. Six Eastern Cape Security Branch operatives, including the divisional commander, were refused amnesty for the killings. The commander of Vlakplaas was granted amnesty for his knowledge of the incident (AC/1999/0350).

HADEBE, Jabulani Mpikayipheli, a local chief's councillor, was assaulted, forced to drink petrol and set alight by members of an ANC self-defence unit (SDU) at Bhekezulu, Estcourt, Natal, on 25 December 1993. Mr Hadebe survived the attack. One SDU member was refused amnesty (AC/2000/223).

HADEBE, Moses, was shot and injured while at his cousin's house in Wembezi, KwaZulu, near Estcourt, Natal, on 11 July 1992. The house was raided first by SAP members and then by IFP supporters. Mr Hadebe was arrested and then forced to leave the area.

HADEBE, Mqanjelwa Paulos (47), an IFP supporter, had his home burnt down by ANC supporters at Wembezi, KwaZulu, near Estcourt, Natal, in 1993.

HADEBE, Ntombenhle Veronika (54), an ANC supporter, had her house burgled and burnt down by IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 24 October 1992.

HADEBE, Phindile (32), an ANC supporter, was shot and injured by named IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 5 May 1991.

HADEBE, Promise Philisiwe (35), the sister of ANC supporters, was severely burnt when IFP supporters threw a petrol bomb into her house in Wembezi, KwaZulu, near Estcourt, Natal, on 5 August 1992. Her niece and nephew were killed in the attack. The house was destroyed.

HADEBE, Sandile (8), was shot dead when IFP supporters opened fire on a church congregation in an ANC stronghold in Bhekezulu, Estcourt, Natal, on 2 April 1994. Five other people died in this attack, including Sandile's brother.

HADEBE, Thembinkosi, an ANC supporter, had his hands and feet bound and was stoned to death on 30 October 1993 in Wembezi, KwaZulu, near Estcourt, Natal, by members of the ANCYL. Mr Hadebe was a bodyguard of a prominent ANC member, and there was conflict within the organisation at the time.

HASHE, Sipho (58), a member of PEBCO, and two colleagues, were abducted from the Port Elizabeth airport in a joint Eastern Cape and Vlakplaas operation on 8 May 1985. The PEBCO Three were allegedly severely assaulted, then shot dead. Their bodies were doused with diesel fuel, set alight and burnt, and their remains were allegedly thrown into the Fish River. Five Eastern Cape Security Branch operatives, including the divisional commander, and four Vlakplaas operatives applied for amnesty. Two of the applications were granted and six were refused (AC/1999/0223 and AC/2001/064).

HLONGWANE, Thandi Cicilina (34), had her home burnt down by Inkatha supporters in Wembezi, KwaZulu near Estcourt, Natal, during 1990 in intensifying political conflict. Her husband was killed in the attack.

JORDAN, Joe Thethinene (29), was assaulted and tortured by members of the SAP, who struck him with rifle-butts and applied electric shocks to his body in Duncan Village police station, East London, on 2 September 1985. One member of the SAP was granted amnesty for the torture and assault (AC/2000/074).

JORDAN, Pallo (45), an ANC member and head of the ANC's Research Department, was seriously injured in Maputo, Mozambique on 17 August 1982 by a letter bomb sent by members of Security Branch headquarters. Fellow academic, Ruth First, who opened the letter while he was in her office, was killed in the explosion.

KHANYEZA, Lucky Michael (30), an ANC supporter, was badly burnt when his home was petrol-bombed by named IFP supporters near Estcourt, Natal, on 2 April 1992.

KHANYILE, Bongani (14), was shot dead by ANC supporters at a traffic light in Estcourt, Natal, on 16 December 1992. The perpetrators opened fire at the car he was travelling in together with prominent IFP members.

KHANYILE, Boyi (44), an IFP supporter, died of a head injury inflicted by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 27 May 1992.

KHANYILE, Fanyana, was shot dead by a named IFP supporters in Estcourt, Natal, on 13 January 1994, allegedly in retaliation for the killing of an IFP leader.

KHANYILE, Zenzele Lenos (37), a prominent ANC supporter, was stoned to death by named IFP supporters near Estcourt, Natal, on 4 February 1992.

KOHL, Aliston Phillip (17), died after being shot in the head by members of the SAP on 12 May 1986 while she was participating in a funeral procession in Joza, Grahamstown, Cape.³³³

KONDILE, Gcinisizwe 'Sizwe' Kwesi (24), an MK operative, was possibly abducted from Lesotho and then detained at Jeffreys Bay, Cape. In August 1981, the Eastern

³³³ Note that Aliston Phillip Kohl was male not female as implied.

Cape Security Branch handed Mr Kondile to members of Vlakplaas who took him to a spot near Komatipoort, where they shot him dead and burnt his body. Four Eastern Cape Security Branch members, including the divisional commander and the commander of Vlakplaas, were granted amnesty for the killing (AC/1999 /0037).

KHOZA, Irene (64), an Inkatha supporter, had her house destroyed in an arson attack at Wembezi, KwaZulu, near Estcourt, Natal, on 7 November 1990, during political conflict in the area.

KHULU, Zazi Carol (28), an IFP supporter, died after he was shot and his throat was cut by ANC supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 16 December 1992, in ongoing political conflict in the area.

KHUMALO, Sevi (42), an IFP supporter, had her house burnt down by ANC supporters in Estcourt, Natal, April 1992, in ongoing political conflict in the area.

KHUMALO, Zinhle, an IFP supporter, was burnt when a petrol bomb was thrown at her home by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, in February 1992, in ongoing political conflict in the area.

LAPSLEY, Michael Alan (41), lost both hands and an eye as well as suffering other serious injuries in a letter-bomb attack in April 1990 in Harare, Zimbabwe. Father Lapsley, an Anglican priest from New Zealand, had previously been expelled from South Africa and Lesotho for his active support of the South African liberation movements. The Commission found that the attempted killing of Father Lapsley was a South African Security Force operation.

MABASO, Goodman Sibusiso Zwelibanzi, was stabbed to death by named IFP supporters in Estcourt, Natal, on 1 September 1991 in ongoing conflict between IFP and ANC supporters in the area.

MABASO, Michael Thulani (35), an ANC supporter, was shot dead by ANC supporters on 14 February 1994 in Wembezi, KwaZulu, near Estcourt, Natal, allegedly in conflict within the party and between the ANC and SACP in the area.

MABASO, Thokozani Simon (25), an IFP supporter, was stabbed to death by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 7 November 1992.

MABHIDA, Mandla Jeffrey (41), an ANC supporter, was shot dead by a named IFP supporter on 19 January 1991 in Estcourt, Natal.

MADELA, Vusumuzi Samuel (22), an IFP supporter, was burnt to death by ANC supporters on 22 July 1990 in Wembezi, KwaZulu, near Estcourt, Natal. Mr Madela's father was a local IFP chairperson. His parents' house was petrol-bombed by ANC supporters a week later.

MADLALA, Celani Aleya, an IFP supporter, was stabbed to death by ANC supporters at Estcourt, Natal, on 19 February 1994, in the run-up to the April 1994 Elections.

MADLALA, Nicholus Siphiwe (45), an IFP supporter, had his house destroyed by ANC supporters in April 1994 at Wembezi, KwaZulu, near Estcourt, Natal, during the run-up to the April 1994 Elections.

MAGEZA, Basil Earnest (42), was shot and injured on 11 July 1992 when IFP supporters attacked his home in Wembezi, KwaZulu, near Estcourt, Natal, with stones, teargas and live ammunition. The attack took place shortly after police had searched Mr

Mageza's house. A named member of the SAP had allegedly labelled him as an ANC supporter.

MAGUBANE, Mhlanganyelwa Andries (46), an IFP supporter, had his home burnt down by ANC supporters near Estcourt, Natal, on 10 May 1994, shortly after the April 1994 Elections.

MALGAS, Sinqokwana Ernest, an ANC member, was imprisoned on Robben Island from 1963 to 1977, and was subsequently detained and tortured on several occasions between 1977 and 1989 in Port Elizabeth and Cradock, Cape.

MANYONI, Fanakhe (53), an IFP supporter, was hacked and stabbed to death by other IFP supporters at an IFP rally at Wembezi, KwaZulu, near Estcourt, Natal, on 29 December 1991. The perpetrators allegedly suspected him of transporting *amaqabane* in the area.

MAYABA, Mongameli, a member of Wembezi Crisis Committee, was shot dead by named IFP supporters at Wembezi, KwaZulu, near Estcourt, Natal, in 1990.

MAZWAI, Sipiwo Hamlet (30), an MK operative, was shot dead in a shoot-out with members of the Transkei Police at Mount Fletcher, Transkei, in 1987.

MAYABA, Ntombeningi Albertina (68), an IFP supporter, had her house destroyed in an arson attack by ANC supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 24 September 1992.

MAYISELA, Zangaza Albert (21), an IFP supporter, was shot dead by members of the SADF at Estcourt, Natal, on 1 October 1992.

MBELE, Vukani, an IFP supporter, was shot and injured while travelling with a prominent IFP supporter who was the target of an ANC attack in Estcourt, Natal, on 16 December 1992. Three people died in the attack and several others were injured.

MBONA, Vusumzi Michael (20), an IFP supporter, was shot dead by ANC supporters, one of whom is named, while travelling in a vehicle in Estcourt, Natal, on 16 December 1992. The perpetrators were allegedly targeting one of Mr Mbona's companions to avenge an earlier attack on ANC supporters.

MCHUNU, Bhukumuzi Moses (36), an ANC supporter, was shot and severely injured by IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 27 September 1991.

MCHUNU, Elizabeth Ntombifuthi (24), an IFP supporter, was shot and injured in Wembezi, KwaZulu, near Estcourt, Natal, on 4 September 1993, when ANC supporters ambushed the taxi in which she was travelling.

MCHUNU, Joseph Mbona (65), an IFP supporter, was shot dead by fellow IFP supporters in Estcourt, Natal, on 27 September 1993. He was allegedly killed because he had witnessed the perpetrators' role in the killing of two other people in the continuing political conflict in the area.

MCHUNU, Ntinti Amos (58), an IFP supporter, was stabbed to death by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 31 December 1992.

MCHUNU, Thenjiwe Maria (52), an ANC supporter, had her house burnt down by ANC supporters at Wembezi, KwaZulu, near Estcourt, Natal, in 1993 during political violence in the area. The motive for the attack is unknown.

MCHUNU, Zamani, an IFP supporter, was killed by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 28 March 1993.

MDLOLO, Alvina (48), was shot dead by IFP supporters on 27 October 1992 as she fled her home in Wembezi, KwaZulu, near Estcourt, Natal, during continuing political conflict between IFP and ANC supporters in the area.

MDLOLO, Mshiyeni, an IFP supporter, was shot dead by ANC supporters in Estcourt, Natal, on 1 July 1992.

MFETI, Phindile (31), a union activist, was detained in Johannesburg on 17 May 1976 and transferred from prison to prison until his release on 17 May 1977. Mr Mfeti disappeared on 25 April 1987 and has not been seen since.

MGOZA, Albert (60), an ANC supporter, was hacked to death by IFP supporters at a bus stop in Wembezi, KwaZulu, near Estcourt, Natal, on 25 August 1993.

MHKIZE, Sipho Douglas, an IFP supporter, was shot dead by ANC supporters at his home in Wembezi, KwaZulu, near Estcourt, Natal, on 9 February 1991.

MHLANGA, Derrick, was shot dead by a named IFP supporter in Estcourt, Natal, in August 1992, during ongoing political conflict in the area.

MHLANGA, Elizabeth Mduduzi, was beaten to death by IFP supporters, one of whom is named, at Wembezi, KwaZulu, near Estcourt, Natal, in June 1993 in continuing political conflict in the area.

MHLANGA, Njabulo, was shot dead by a named IFP supporter at Wembezi, KwaZulu, near Estcourt, Natal, during May 1992 in ongoing political conflict in the area.

MHLAULI, Sicelo, a UDF activist, was one of the Cradock Four abducted by the Eastern Cape Security Branch while travelling to Cradock, on 27 June 1985. He was shot and stabbed near Port Elizabeth, after which his body was burnt. Six Eastern Cape Security Branch operatives, including the divisional commander, were refused amnesty for the killings. The commander of Vlakplaas was granted amnesty for knowledge of the incident (AC/1999/0350).

MIYA, Qatisa Alfred (52), an IFP supporter, was injured in a hand grenade attack by ANC supporters on a shop on 23 March 1993, and shot by ANC supporters on 17 April 1994 in Wembezi, KwaZulu, near Estcourt, Natal, during the run-up to the April 1994 Elections.

MKHIZE, Mandlenkosi (52), an ANC supporter, was shot by named IFP supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 5 May 1991. His infant daughter was killed in the same attack.

MKHIZE, Snenhlanhla (2), the daughter of the local ANC chairperson, was shot dead when named IFP supporters attacked her father at Wembezi, KwaZulu, near Estcourt, Natal, on 5 May 1991. Her father and another person were injured in the attack.

MKHIZE, Teaspoon (52), a member of the Wembezi Crisis Committee, was injured when named IFP supporters ambushed the vehicle in which he was travelling in Estcourt, Natal, during 1991. The Crisis Committee was perceived as a political threat to IFP supporters in the area at the time. Mr Mkhize's son was killed in the ambush.

MKIZE, Fikile Mary-Jane (46), an IFP supporter, had her house in Estcourt, Natal, destroyed in an arson attack by ANC supporters in September 1993.

MKHONTO, Sparrow, a UDF activist, was one of the 'Cradock Four' abducted by the Eastern Cape Security Branch on 27 June 1985 while travelling to Cradock. He was

shot and stabbed near Port Elizabeth, after which his body was burnt. Six Eastern Cape Security Branch operatives, including the divisional commander, were refused amnesty for the killings. The commander of Vlakplaas was granted amnesty for knowledge of the incident (AC/1999/0350).

MLAMBO, Gcinokuhle, an ANC supporter, was shot and injured by IFP supporters in Boshi, near Estcourt, Natal, on 27 September 1993.

MLANGENI, Mandlenkosi Simon (29), an IFP supporter, was shot and stabbed to death by fellow IFP supporters at Estcourt, Natal, on 17 October 1993, when he failed to attend an IFP rally because of work commitments.

MLANGENI, Qondephi (58), an IFP supporter, had her house destroyed in an arson attack by fellow IFP supporters at Estcourt, Natal, on 17 October 1993, because her son was believed to be disloyal to the organization.

MLOTSHWA, Thokozisi, a member of the Wembezi Crisis Committee, was killed by IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, in 1991, during political conflict in the area.

MOHAPI, Mapetla Frank (26), regional organiser for SASO and a member of the BCM and the BPC, allegedly hanged himself in King William's Town, Cape in 1976. In 1974, after constant police harassment, Mr Mohapi was detained under section 6 of the Terrorism Act at Pretoria Central prison. In detention he was tortured and assaulted in different ways. On his release in 1975 he was banished to King William's Town for five years during which he was constantly harassed by the police. He was again detained in July 1976 when he died in police custody.³³⁴

MNGENELA, Charity Nokuthula (20), an ANC supporter, was shot and severely injured by IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 29 October 1990 during intensifying political conflict in the area. Ms Mngenela is permanently paralysed as a result of the shooting.

MNGENELA, Jabulani Reginald (23), an ANC supporter, was abducted and killed by IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 22 September 1991 during continuing political conflict in the area.

MNGOMEZULU, Nicky (17), was shot dead by named IFP supporters in Estcourt, Natal, on 2 April 1994, allegedly because he refused to join the IFP. He and his mother had fled their home when it was petrol-bombed earlier that day, but the perpetrators pursued them into the church where they had sought refuge, and killed both.

MNGUNI, Johannes Bangumuzi (62), was harassed and threatened by ANC-supporting youths at Estcourt, Natal, in August 1992. Mr Mnguni was the chairman of Wembezi High School and defied the youths, who allegedly wanted him to exclude IFP pupils from the school. He was forced to flee his home.

MSOMI, Enock Muntu, an IFP supporter, was shot dead in Wembezi, KwaZulu, near Estcourt, Natal, on 13 September 1993, when members of the SADF opened fire on IFP and ANC supporters engaged in violent conflict.

MSWANE, Derrick Vusumuzi (29), an IFP supporter, had his house burnt down by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, in June 1992 in political

³³⁴ Spelt 'Mohape' in the HRV transcripts.

conflict around the launch of IFP branches in the area. Another family member was shot dead in the attack on his home.

MSWANE, Isaac (49), an IFP supporter, was shot dead by ANC supporters who attacked his home in Wembezi, KwaZulu, near Estcourt, Natal, on 25 June 1992 during political conflict around the launch of IFP branches in the area. His home was burnt down in the attack.

MTHEMBU, Gini Mitta (50), was shot dead by IFP supporters at Estcourt, Natal, on 2 April 1994 in political conflict between IFP and ANC supporters during the run-up to the April 1994 Elections. Ms Mthembu had fled her house when it was petrol-bombed, but the perpetrators pursued her and her son into a church where they had sought refuge, and killed them both.

MTSHALI, Simon Mandla (26), an ANC supporter, was stabbed to death by IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 2 October 1992.

MVELASE, Mandla Vincent (23), an ANC supporter, was shot dead by members of the SADF in Wembezi, KwaZulu, near Estcourt, Natal, on 10 December 1990, during a time of conflict between ANC and Inkatha supporters in the area.

MVELASE, Thulani Siphamandla, an ANC supporter, was shot dead by named perpetrators near Estcourt, Natal, on 14 December 1991 in ongoing conflict between ANC and IFP supporters.

MWELI, Phineus Mthenjwa, an IFP supporter, was shot dead by ANC supporters at Estcourt, Natal, on 8 July 1991.

NDABA, Sibahle Cyprian (36), an ANC supporter and member of the Wembezi Crisis Committee at Wembezi, KwaZulu, near Estcourt, Natal, was threatened and intimidated by named IFP supporters during the course of 1991. Members of the committee were often ill-treated and threatened by IFP supporters, allegedly because the committee was seen as posing a threat to the party.

NDLOVU, Mpikayipheli (54), an IFP supporter, was stabbed and burnt to death by ANC supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 5 October 1992.

NDLOVU, Sabelo Meshack (22), was shot dead by IFP supporters during political conflict in Estcourt, Natal, on 6 June 1993. Mr Ndlovu was allegedly suspected of being an ANC member.

NENE, December Anthony, an IFP supporter, was shot dead by ANC supporters in Bhekezulu, Estcourt, Natal, on 11 January 1994, in the run-up to the April 1994 Elections.

NGCOBO, Nomusa Teressa (30), an IFP supporter, had her house at Mahashini near Estcourt, Natal, burnt down by unidentified persons in November 1993 during ongoing conflict between ANC and IFP supporters in the area.

NGXONGO, Masewu (49), an IFP supporter, was shot dead by ANC supporters at Estcourt, Natal, on 4 August 1993.

NJOKO, Busani Alex (23), an IFP supporter, was shot and injured by ANC supporters at Estcourt, Natal, on 28 March 1994.

NJOKO, Khaya Simon (53), an IFP supporter, was shot and injured by ANC supporters at Estcourt, Natal, on 28 March 1994.

NKALA, Sebenzile Garentina (29), had her home burnt down by Inkatha supporters during political conflict at Wembezi, KwaZulu, near Estcourt, Natal, in 1990.

NKOSI, Thembani (20), an ANC supporter, was shot dead, allegedly by named IFP supporters, in Maqedandaba, Estcourt, Natal, on 3 June 1993.

NSUNTSHA, Manani Matrina (50), an IFP supporter, had her house at Wembezi, KwaZulu, near Estcourt, Natal, burnt down by ANC supporters on 7 November 1992.

NTOMBELA, Mlindeli Creswell (32), an ANC supporter, was shot dead by IFP supporters, some of whom are named, at Estcourt, Natal, on 2 October 1993, allegedly for refusing to join the IFP.

NTOMBELA, Mlungisi Pikson (30), an ANC supporter, was shot dead by IFP supporters, some of whom are named, at Estcourt, Natal, on 27 September 1993, allegedly for refusing to join the IFP.

NTOMBELA, Themba Ntombincana (63), an ANC supporter, lost her house in Boshi near Estcourt, Natal, in an arson attack by alleged IFP supporters, for refusing to join the IFP.

NXUMALO, Fortunate, an ANC supporter, was burnt to death in an arson attack by IFP supporters at her boyfriend's house in Wembezi, KwaZulu, near Estcourt, Natal, on 22 February 1992.

NYATHI, Themba Enock (54), an ANC supporter and member of the Wembezi Crisis committee, was beaten, stabbed and shot dead at his home in Wembezi, KwaZulu, near Estcourt, Natal, by IFP supporters on 7 November 1990. Members of the committee were often attacked by IFP supporters, as they were seen as posing a threat to the party.

PETERSON, Hector Zolile (13), was shot dead by members of the SAP on 16 June 1976, during the Soweto Uprising. During the protest 575 people were killed and 2,380 people injured in clashes between protesters and members of the SAP and the Riot Unit. Most of the protesters were youths or schoolchildren.

PIET, Christopher (23), was shot dead by members of the Security Police in Guguletu, Cape Town, on 3 March 1986, in the Guguletu Seven incident. Two Security Branch members from Vlakplaas were granted amnesty for the incident (AC/2001/276).

RAMAN, Boyce (32), an ANC supporter, was stabbed to death by IFP-supporting passengers who hijacked his taxi between Estcourt and Mooi River, Natal, on 27 September 1991. The perpetrators accused Mr Raman of transporting 'comrades'.

SACHS, Albert 'Albie' Louis, an ANC member, was severely injured and lost his arm in a car bomb explosion in Maputo, Mozambique, on 7 April 1986. The bomb was planted by CCB operatives. One member of SADF Military Intelligence was granted amnesty for providing target information on an MK operative whom he alleged to have been the target of the attack (AC/2001/257).

SAVAGE, Beth (44), was seriously injured in a grenade attack by APLA supporters in King William's Town, Cape, on 28 November 1992. See APLA attacks. Four APLA members were granted amnesty (AC/2001/182).

SEIPEI, Moeketsi James 'Stompie' (14), a political activist and COSAS member, was abducted with three other youths from the Methodist manse by alleged Mandela United Football Club (MUFC) members and taken to Ms Madikizela-Mandela's home in Diepkloof, Soweto, Johannesburg, on 29 December 1989. He was accused of being a

police informer and was beaten for three days before a named member of the MUFC was allegedly ordered to remove him from the premises. His decomposing body was later found in a riverbed riddled with injuries and his throat slit with three stab wounds in the neck. The perpetrator has applied for amnesty.

SHABALALA, Elijah (57), was shot and injured at his church at Bhekezulu, Estcourt, Natal, on 2 April 1994, when IFP supporters opened fire on the congregation, allegedly because they suspected that members were considering joining the ANC. Six people, including Mr Shabalala's daughter, were shot and killed in the attack.

SHABALALA, Maswazini Petros (36), was shot in the leg in Estcourt, Natal, on 2 April 1994, when IFP supporters opened fire on a church service in Estcourt, Natal, in political conflict three weeks before the April 1994 Elections

SHABALALA, Sindisiwe Rejoice (9), was shot dead on 2 April 1994, when IFP supporters opened fire on a church service in Estcourt, Natal, in political conflict three weeks before the April 1994 Elections.

SHABALALA, Thokozani, was shot and injured on 2 April 1994 in a church at Bhekezulu, Estcourt, Natal, when IFP supporters opened fire on the congregation, allegedly because they suspected that members were considering joining the ANC. Six people were shot and killed in the attack.

SHELEMBE, Victor Sicelo (47), was shot and injured by IFP supporters at Wembezi, KwaZulu, near Estcourt, Natal, during political conflict on 27 July 1993.

SHEMBE, Sikhumbuzo Elphas (30), an ANC supporter, was severely injured when he was beaten and shot by IFP supporters in Estcourt, Natal, on 14 September 1992. He died later in hospital. Political conflict had caused him to flee the area, but he was spotted visiting his uncle, and was attacked.

SIBISI, Qimba Mphikeleli (37), an IFP supporter, was burnt to death by ANC supporters at Estcourt, Natal, on 11 July 1992.

SIKHAKANE, Bhekuyise Christopher (36), an ANC youth leader, was shot dead by fellow ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 14 February 1994 in the course of a serious internal feud within the local party branch.

SIKHAKHANE, Mandla Caswell (24), an IFP supporter, was shot dead by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 11 August 1990.

SIKHAKHANE, Skafu Busisiwe (47), an IFP supporter, had her house burnt down by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 11 August 1990.

SIKWEPERE, Lucas Baba (30), a UDF activist, was shot and blinded by named members of the SAP in KTC, Cape Town, on 31 December 1985, during conflict between UDF supporters and vigilantes. Mr Sikwepere was arrested and tortured by police in 1986.

SITHOLE, Mandla (27), was shot dead by IFP supporters in Estcourt, Natal, on 26 October 1993, allegedly because he and a friend had refused to join a group of IFP supporters in burning down the homes of ANC supporters. Mr Sithole's friend was also killed.

SITHOLE, Paulos Mtusi (51), an IFP supporter, was shot dead by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 13 September 1993.

SITHOLE, Vusumuzi Clobas (40), an IFP supporter, lost his house and sustained serious injuries when ANC supporters launched a grenade attack on his home at Loskop, near Estcourt, Natal, on 25 October 1993.

SLOVO, Joe, chief of staff of MK and a member of the ANC National Executive Committee and the SACP Central Committee, was targeted for killing by members of Security Branch Headquarters during June 1985. An informer was given a briefcase bomb intended for Mr Slovo. The informer, however, placed the briefcase at the entrance gate of the ANC's offices in Lusaka, Zambia, where it exploded, causing no injuries or loss of life. One Security Branch operative was granted amnesty (AC/2000/083).

SOBUKWE, Robert Mangaliso (54), president of the PAC, was imprisoned and tortured on Robben Island on 3 May 1960. He was detained again on 4 May 1969 in Kimberley, Cape, during protests against the Pass laws. He died on 26 February 1978 in a Kimberley hospital while he was under banning order.

SOKHELA, Norman, an IFP supporter, was shot and injured by a named ANC supporter in Wembezi, KwaZulu, near Estcourt, Natal, on 16 December 1992, while travelling in the same car as a prominent IFP member, who was the target of the attack. Three people died and several were injured.

SOKHELE, Nhloko, an IFP supporter, was shot and injured by a named ANC supporter in Wembezi, KwaZulu, near Estcourt, Natal, on 16 December 1992, while travelling in the same car as a prominent IFP member, who was the target of the attack. Three people died and several were injured.

STANFORD, Robert David Norman, a civilian, was injured when APLA operatives attacked members and guests at the King William's Town Golf Club, Cape, on 28 November 1992. Four people were killed and 17 injured in the attack. See APLA attacks. Four APLA members were granted amnesty (AC/2001/182).

THABETHE, Sthembile (21), an IFP supporter, was shot and injured by fellow IFP supporters who attacked her home in Esigodlweni, Estcourt, Natal, on 28 October 1990. The attackers were allegedly looking for her brothers, whom they believed to be ANC supporters. Ms Thabethe's mother was also shot and injured in the attack.

TIMOL, Ahmed Essop (30), a member of the ANC and SACP, died in a staged suicide after he had been detained and tortured by members of the Special Branch at John Vorster Square, Johannesburg, during October 1971.

TURNER, Richard Albert David (36), a political scientist at the University of Natal, was shot dead at his home in Durban on 8 January 1978. He had been banned since 1973 for his opposition to apartheid, and had been repeatedly harassed by the Security Branch during the 1970s. His two young daughters were in the house with him at the time. The identity of the killer, widely suspected to have been a member of the Security Branch, has never been established.

TUTU, Desmond Mpilo, a church leader and prominent anti-apartheid activist, was a target of intimidation and harassment by the Witwatersrand Security Branch between 1982 and 1986. In 1989, CCB operatives placed a monkey foetus on his property. One Witwatersrand Security Branch operative and four CCB members were granted amnesty for these incidents (AC/2001/0184 and AC/2001/232).

WEBER, Karl Andrew (37), was shot when members of APLA carried out an attack on the Highgate Hotel, East London, on 1 May 1993. Five people were killed and several others injured. See APLA attacks.

WOODS, Mary (5), received injuries on 23 November 1977 in East London, when she wore a Tshirt that had been impregnated with an acid-based skin irritant, causing a purple skin rash and inflammation of the eyes. The attack on the family took place during the inquest into the death in detention of the Black Consciousness leader, Steve Biko. Her father, Mr Donald Woods, the banned editor of the Daily Dispatch, received a parcel containing two small Tshirts for infants, bearing the image of Steve Biko and purporting to be gifts for the Woods children.

XABA, Bongiwe Lillian (41), an IFP supporter, was fatally injured when ANC supporters threw a hand grenade into her home at Loskop, near Estcourt, Natal, on 25 October 1993. Monitors recorded 27 deaths and five injuries in Estcourt that month.

ZAMISA, Bongani Phinkingkani (26), an IFP supporter, was shot dead in Estcourt, Natal, on 9 February 1994, in political conflict between ANC and IFP supporters during the run-up to the April 1994 Elections.

ZAMISA, Ethel Busisiwe, an IFP supporter, was shot dead by ANC supporters at Wembezi, KwaZulu, near Estcourt, Natal, on 4 September 1993.

ZAMISA, Mandla Lucas (27), an ANC supporter, was abducted from his home in Estcourt, Natal, by amabutho members, and was found dead in the veld on 8 May 1992.

ZIBULA, Bongani, an IFP supporter, was stabbed to death by a named ANC supporter in Wembezi, KwaZulu, near Estcourt, Natal, on 19 November 1992.

ZONDI, Phethile (52), an IFP supporter, had her house burnt down by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, in 1991.

ZULU, Herbert Nhlanhla Solomon (41), an ANC branch secretary, was shot dead on 29 February 1992 by named IFP supporters who ambushed him while he was driving in the Mahashini area, near Estcourt, Natal.

ZULU, Nhlanhla, was shot dead by named IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, in 1993, allegedly because he was a member of the Wembezi Crisis Committee, which was perceived to be a threat to KwaZulu officials and the IFP.

ZULU, Samuel Themba (20), an ANCYL member, was stabbed and severely injured by Inkatha members in Wembezi, KwaZulu, near Estcourt, Natal, in April 1990. Mr Zulu was forced to flee from the area.

ZUMA, Jeremiah (43), an ANC supporter, was killed when SACP supporters threw a hand grenade into his home in Wembezi, KwaZulu, near Estcourt, Natal, on 15 March 1994 in the course of a serious internal feud within the local branch of the ANC-SACP alliance.

ZUMA, Mduduzi Linus (18), an IFP supporter, was shot dead by members of the SADF at Wembezi, KwaZulu, near Estcourt, Natal, on 18 March 1994.

ZUMA, Nomakhwe Norah (55), was shot and injured, and had her house petrol-bombed, by IFP supporters in Wembezi, KwaZulu, near Estcourt, Natal, on 7 November 1991. Ms Zuma believed the attack to be an attempt to force her exiled son, an ANC supporter, to return home.

ZWANE, Elphas Mbongeni (24), an IFP supporter, was shot by ANC supporters in Wembezi, KwaZulu, near Estcourt, Natal, and died in hospital on 5 October 1992. His mother's home was burnt down in the same attack.

ZWANE, Khathazile Ivy (64), an IFP supporter, had her house in Wembezi, KwaZulu, near Estcourt, Natal, burnt down by ANC supporters on 5 October 1992. Her son was shot and fatally wounded in the same attack.

ZWANE, May Precious (40), an ANC supporter and member of the Wembezi Crisis Committee, was stabbed, beaten and had her house burnt down by IFP supporters in Mahashini, near Estcourt, Natal, on 2 June 1992. The perpetrators tried to enter the hospital in which Ms Zwane was being treated, allegedly in order to kill her. She was transferred to another hospital.

Appendix II: Sample Consent Form

Contact telephone: [REDACTED]
Contact email: [REDACTED]

Department of Politics and International Relations
Rutherford College
University of Kent, Canterbury
CT2 7NK
United Kingdom

CONSENT FORM

Title of Project: How the truth commission got its reconciliation
Name of Researcher: Rosalind Holbrook

The research with which I am asking for your help comprises part of my PhD. The central question thereof results from the emergence of reconciliation as central to the modern truth commission model, particularly in Africa, since the South African truth commission. My research examines how reconciliation came to be prominent within the commission, why, and in what ways this affected its work. I want to understand your views about this. Our meeting will be led by your ideas and opinions, but the sort of topics we might discuss are: your view on what reconciliation is; how the Commission came to be so closely associated with reconciliation, and how this shaped its work; or what the long term effects of these have been.

If you want to ask any questions about the study itself, the interview, or the data gathered during it, please do so now or at any time in the future. My contact details are above.

Please note that this interview is entirely voluntary; you do not have to take part, and you can terminate the interview at time you wish without giving a reason and with no negative consequences. Equally, if you consider any topic raised during the interview to be inappropriate, you should make this clear and we will move on to a different topic, or if you prefer, simply terminate the interview.

1. I confirm that I have read and understand the explanation for the above study and have had the opportunity to ask questions.
2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.
3. I agree that the information I give can be used in the following way(s):
 - ☐ For background understanding
 - ☐ Anonymised in published form – i.e. information I give will be published but not associated with details which could allow others knowledge of who provided it
 - ☐ Associated with my name in published form
4. I agree / do not agree (delete as applicable) to take part in the above study.

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| Name of Participant | Date | Signature |
| Researcher | Date | Signature |

Appendix III: Interviewees

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| Russell Ally Insider | Ally worked on the HRV Committee of the SATRC. He now works at the South African Human Rights Commission. | Johannesburg |
| Brigalia Bam Creator | Bam was a member of the panel that appointed the Commissioners. She also gave evidence to the Commission. Formerly Secretary General of the South African Council of Churches, she now runs the Independent Electoral Commission. | Pretoria |
| George Bizos Creator | Bizos assisted in the legislative process of the Commission, writing up the PNURB for submission to Parliament. Further, he acted as Senior Counsel for many families wishing to contest amnesty. Bizos has had a long career in the law, coming to prominence first for his work as Junior Defence Counsel during the Riviona Trial, wherein senior members of the ANC were jailed. | Johannesburg |
| Lavinia Browne Insider | Browne has been Archbishop Desmond Tutu's personal assistant since he became Archbishop of Cape Town. As such, she has been at the heart of South African politics for over twenty years. Furthermore, she was at the heart of the truth commission throughout its lifetime. | Cape Town |
| Mary Burton Commissioner | Burton was a Commissioner, appointed to the HRV Committee. She also assisted Boraine with early drafts of the legislation. Prior to working for the Commission, she was head of the Black Sash, an important women's human rights group, described by Mandela as "a voice of conscience" (1995a, 676). Today, she is formally retired, although she continues to be consulted on truth commissions. | Cape Town |
| Sheila Camerer Creator | Camerer was a member of the Portfolio Committee on Justice that was responsible for the PNURA. Then an MP for the 'New National Party', she crossed the floor in 2003. She began her parliamentary career as an MP for the NP in 1987. | Cape Town |
| Paddy Clark Insider | Clark is Alex Boraine's personal assistant. As such, she has perhaps worked on the truth commission for longer than anyone other than Boraine. This work continues today at the International Centre for Transitional Justice. | Cape Town |
| Enver Daniels Creator | Daniels was part of small group who drafted the PNURB before it was put to Parliament. He is currently State Law Advisor. | Cape Town |
| Chris de Jager Commissioner | de Jager was a Commissioner, appointed to the Amnesty Committee. He resigned from the Commission in December 1997, but remained working at the AC. He has recently retired from a career in the law. He was a member of the Freedom Front. | Pretoria |
| Max du Preez Commentator | du Preez presented the Special Report every Sunday night for the life of the Commission. While called a 'commission commentator', he can perhaps be best described as an insider because of the intense working conditions survived by SATRC journalists. Today a columnist and commentator on South African politics, he was previously founder and editor of <i>Vrye Weekblad</i> . | Cape Town |

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| Andre du Toit Commentator | du Toit was involved in the early conferences which lead to the creation of the Commission. He applied to be a Commissioner, sponsored by Kader Asmal, the influential ANC MP, and although he was unsuccessful, remained interested in the Commission. He retains his chair at UCT. | Cape Town |
| Bongani Finca Commissioner | Finca was a Commissioner, appointed to the HRV Committee. More recently, he has acted as a consultant to the Greensboro TRC. An ordained minister, he now works for the IEC. | East London |
| Ginn Fourie Insider | Fourie runs a charity created in the memory of her daughter, Lyndi. The charity works to promote conciliation and justice. Fourie appeared as a witness before the Commission during their hearing into her daughter's death. | Cape Town |
| Madeline Fullard Insider | Fullard joined the SATRC as an investigator, but transferred to the research department to focus on writing the Report. Today she works for the NPA Missing Persons department, a large part of her work is recovering the bodies of those killed during apartheid. | Pretoria |
| Richard Goldstone Creator | Goldstone was part of the team who wrote the PNURB to put it before the Parliament. Prior to that, he headed the Goldstone Commission looking into claims of a 'third force' in South African violence. More recently, he worked at the ICTY and as a Constitutional Court Judge. | Johannesburg |
| Willie Hofmeyr Creator | Hofmeyr was a member of the Portfolio Committee on Justice that was responsible for the PNURA. Then an ANC MP, he was formerly a member of the UDF and now works for the Special Investigations Unit at the NPA. | Pretoria |
| Kariem Hoosain Insider | Hoosain was the SATRC's Finance Director. He has continued with this role in other organisations since. | Pretoria |
| Marjorie Jobson Commentator | Jobson is Director of the Khulumani support group for survivors of apartheid violence. The group had strong links with the SATRC. Jobson formerly worked for the Black Sash, and applied to be a Commissioner. | Johannesburg, Pretoria and the N2 |
| Ilan Lax Insider | Lax was a member of the HRV Committee. Previously a human rights lawyer, he is now involved in environmental work. | Pietmaritzburg |
| Siyabonga Maki Insider | Maki was a statement taker and data processor for the SATRC. He now works for the IEC. | East London |
| Wynand Malan Commissioner | Malan was a Commissioner of the SATRC, appointed to the HRV Committee. He submitted a minority report as part of the SATRC's 1998 Final Report. He was previously an MP for the NP, leaving them to found the Independent Party, and then joining the DP. After the SATRC, he worked as an advocate. He has now retired. | Johannesburg |
| Piet Meiring Insider | Meiring worked in the RRC at the SATRC. He became involved at the express request of Tutu. After the Commission, he returned to his Chair of Theology at Pretoria University. | Pretoria |
| Khoza Mgojo Commissioner | Mgojo was a Commissioner on the HRV Committee, one of two Commissioners not to go through the selection process but be appointed directly by Mandela.. He had previously used his role as a minister to promote peace in the troubled KZN area. He is today retired. | Gamalake nr. Port Shepstone, KZN |

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| Jayendra Naidoo Creator | Naidoo (no relative of Marcella, below) was member of the Committee who appointed the Commissioners. He had previously been active in the unions and the UDF, as well as the peace committees which attempted to reduce violence during the negotiations period. He has left politics behind him, and now works in business. | Johannesburg |
| Marcella Naidoo Insider | Naidoo (no relative of Jayendra, above) was the office manger for the Cape Town office. She had previously worked for human rights organisations and now heads up the Black Sash. | Cape Town |
| Vido Nyobole Insider | Nyobole was the Regional Manager for the Eastern Cape. An ordained Minister, he has today returned to church work full time. | Johannesburg |
| Wendy Orr Commissioner | Orr was a Commissioner appointed to the RRC. Prior to the Commission, she had worked the Alex health clinic with fellow Commissioner, Faizel Randera, and on HIV Projects. In South Africa, she is known as the first doctor to inform on practices of ill-treatment inside the prison. | Johannesburg |
| Ray Radue Creator | Radue was a member of the committee that appointed the Commissioners. Previously he had worked as an MP and Senator for the NP. He has now retired, but after his time in politics worked as an advocate. Early in his career, he worked for Steve Biko. | Cape Town |
| Faizel Randera Commissioner | Randera was a Commissioner, appointed to the HRV Committee. A medical doctor and ANC member, he went into exile for much of the 1980s, returning to South Africa to work in the Alex health clinic with Orr. Today he works for the Chamber of Mines. | Johannesburg |
| Peter Reynolds Insider | Reynolds was a data processor and statement taker at the SATRC. He also gave evidence at the youth hearings. Today he works for the IEC. | East London |
| Albie Sachs Creator | Sachs was involved from the ANC side in the creation of the Commission. A life long ANC member, he was targeted for assassination by the apartheid government, and consequently lost his arm and one eye in a car bomb. He has recently retired from the Constitutional Court. During his time there, he defended same sex marriage as constitutional. | Johannesburg |
| Dave Stewart Commentator | Stewart was offered to me as an alternative when I asked to interview F.W. de Klerk. He joined de Klerk's team to assist with public relations during the early 1990s and holds a senior position in de Klerk's foundation. | Cape Town |
| Peter Storey Creator | Storey was a member of the panel that appointed the Commissioners. He also appeared before it to give evidence during its hearing into the activities of the Mandela United Football Club. A Bishop, Storey had long worked with the UDF and in human rights and anti-apartheid causes. He maintained his interest in the SATRC throughout its lifetime. | Simons Town, nr. Cape Town |
| Hanif Vally Insider | Vally was a lawyer and evidence leader for the SATRC. He had applied to be a Commissioner, but was not successful. Previously, he worked for the LRC. He now works for the Foundation of Human Rights. | Pretoria |
| Frederik Van Zyl Slabbert Creator | Van Zyl Slabbert, a close personal friend of Alex Boraine, founded IDASA, the body under whose auspices Boraine researched the possibilities of transitional justice. He was | Johannesburg |

formerly the Leader of the Opposition in Parliament, a post he resigned to begin working towards democratic negotiations to end apartheid, most influentially in organising the seminal Dakar Conference.

Dr. Van Zyl Slabbert died on the 14th May 2010. Tributes more meaningful and more eloquent than I could provide can be found in O'Grady 2010.

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| Charles Villa-Vicencio Insider | Villa-Vicencio was the SATRC's Research Director. He applied to be a Commissioner but was unsuccessful. He was previously a Professor of Theology and works today for the Institute of Justice and Reconciliation. | Cape Town |
| Wendy Watson Insider | Watson managed the Durban office of the SATRC. Previously involved with a project to document human rights abuses in the Natal region, she now works for a road safety organisation. | Pretoria |