8.10 Conclusion

This chapter consists of a methodological reflection. The jurisprudence and philosophical underpinnings of the TRC were very carefully considered at the time of its design. The intention was that the TRC would be structured as a public learning process that would allow hitherto enemies to learn from one another, so that the wrongs of the past would not be repeated. The eyes of the nation and the world were directed towards this process.

The researcher's essential view was that although this process was by no means perfect, and indeed was often blatantly imperfect, it often did achieve its objective of enabling hitherto enemies to learn from one another, and to start again with the process of rebuilding their lives.
Chapter 9: Learning Amongst Enemies as the Creation of an Ethic of Reconciliation: A Contextualisation of Shriver’s Concepts

9.1 Introduction

This chapter triangulates Shriver’s (1995) thesis that it is an imperative for hitherto enemies to create an ‘ethic between them’ in the achievement of lasting peace, with the lived experience of the actual respondents who led the national transition in South Africa.

Ethics and the matter of forgiveness have for a long time been largely excluded from the study of political science, negotiation and international affairs. Pilger (1998, p. 22) offers the insightful criticism that “much of mainstream Western scholarship has taken the humanity out of the study of nations, congealing it with jargon and reducing it to an esotericism called ‘international relations’, the chess game of Western powers”. Such orthodoxy, observed Falk (1991, pp. 116-119), “which is so widely accepted amongst political scientists as to be virtually unchallengeable in academic journals, regards law and morality as irrelevant to the identification of rational policy”. Thus, Western foreign policy is formulated almost exclusively “through a self-righteous, one-way moral/legal screen [with] positive images of Western values and innocence portrayed as threatened, validating a campaign of unrestricted political violence. ... In contemporary historiography, a similar discipline applies. In serious journalism, the ‘self-righteous, one-way moral screen’ is such a time-honoured tradition that the most important terrorists are rarely seen”.

One possible academic reason for the unpopularity of considering morality, ethics and forgiveness in the study of politics is that it can very readily entrap the researcher into highly complex, messy, ethical and religiously charged and theologically based dilemmas. This apparent academic timidity could unintentionally come at a cost, and constitute a form of negligence that might lead to considerable loss of life. It is interesting that the respondents to the current study did not share this timidity and shirk away from
the ethical dilemmas. Indeed, they assimilated them. This was not done in a spirit of hypocritical naivety. Ethics were regarded as being basic elements of one’s personal power, authority and credibility; to not acknowledge the centrality of ethics was to disempower oneself. The hitherto enemies had effectively been at war with one another. A case in point is that Meyer (2004) had been Minister of Defence and Maharaj (2004) had been incarcerated on Robben Island for violently opposing the previous regime. Yet, all the hitherto enemies from the research sample placed ethics very high on their lists of personal values. These respondents were most certainly not selected for this research because of any anticipated concurrence in terms of ethical values. Another reason for the marginalisation of ethics is because ethics are intangible and usually unquantifiable.

Shriver (1995) most courageously was not intimidated by the challenge of placing ethics and forgiveness in a central position, adjacent to justice, in his study of international affairs. He demonstrated that the matter of forgiveness and the creation of an ethic between enemies can engender valuable understanding, leading to possible solutions in situations that are characterised by intense levels of enmity. The failure to acknowledge the importance of an ethic between enemies can close down and limit negotiation space.

9.2 The role of academics in learning amongst enemies

Van der Merwe (2004), Louw (2004), Meyer (2004), Maharaj (2004), Ramaphosa (2005) and Eloff (2004) all referred to the role that academics contributed to the negotiation process. The general sense was their conceptual input was valued, but it needed to be circumscribed and made practical. Barnard (2004) alluded to the importance of the hitherto enemies claiming sovereign ownership of the negotiated solution. The researcher’s view, based on the interviews is that the respondents feared that academics might usurp the sovereign ownership of the negotiated solution. This would seem to have been a legitimate concern. It could be done because of the introduction of superfluous information, or by not understanding the sensitivity of the negotiation culture and relationships that had been developed between the hitherto enemies. The negotiations could also be ill-advised by the failure to understand the complexity of the matters and the extent of the issues. The negotiations were also conducted as an elitist process and the
hitherto enemies were confident in their own abilities and access to technical and expert opinion. A further explanation for the scepticism about the role of academics at that time might have been attributable to fact that the leadership that existed at that time was self-sufficient and capable of addressing challenge of negotiating the national transition on its own. The hitherto enemies cultivated their own working culture, with one another, and these relationships had to be carefully managed and controlled. Over the years quite large numbers of international academics in the social sciences had cultivated their reputations from making pilgrimages to South Africa, and writing a book about their diagnosis and prognosis of the South African political outcome. Quite understandably these diagnosis and prognosis often pointed towards an apocalyptic dénouement to the South African scenario under apartheid. The researcher’s view is that the respondents seemed to be somewhat irritated by this perception of academics. It is conceded that this commentary begs the questions of whether political science is deficient as an academic discipline and in the realm of practical politics. These are both excellent questions which need to be reflected upon. There were of course many occasions when the contributions of academics were greatly appreciated. Meyer (2004), Ramaphosa (2005) and Eloff (2004) for example all offered testimony to the value of Fisher’s (1986) conceptual and academic insight. Their essential point was that those parties who were not formally schooled in the art and science of negotiation lost all. But they also expressed reservations about the actual involvement of academics in the negotiations. They sought practical people who could offer a highly dedicated and unabated involvement. A disproportionate number (7) of the research sample had been, or were in fact, academics. Those included Crocker, Barnard, Eloff, Esterhuysen, Okumo, Tutu, and Villa-Vicencio. Van der Merwe (2004), in the passage cited below, shows how he was delegated the responsibility of arranging the first meeting that ever took place between the IRA and the Loyalists and that no academics were involved in this seminal process.

Van der Merwe (2004): We tried to share our experiences with the Irish. We arranged a type of learning school for them. It took about a year to arrange and set up.
Phenomenological reduction: Van der Merwe started the interview proper by referring to the internationalisation of the knowledge that was created during the national negotiation process in South Africa. He was personally involved in setting up a type of learning school for the IRA and the Loyalists. His task was to create a significant learning process, to enable learning amongst enemies for this centuries old Irish conflict, based on the South African experience. Van der Merwe was involved in setting up a ‘syllabus’ and process where the reality and insight from the South African experience could be used as a conceptual framework for creating learning amongst enemies in Ireland.

Van der Merwe (2004): Irish Americans were also involved in the idea. Getting them to come to South Africa had to been done in a hush-hush way. It was a sensitive and secretive process of getting the different leaders together. We had many different types of strategies, and had to arrange separate transport for them. The one group came via Paris, whilst the other came directly to South Africa. Meals were arranged separately. What was so amazing to me was that Northern Ireland is such a small country and the leaders had never spoken. We made separate braai fires for them and of course we mixed up the arrangements! One party (the IRA or the Loyalists) arrived at the wrong fire and we nearly had a catastrophe! We did not table any academic rules. We just brought in relevant people, senior officers, from the old defence force and from the new defence force and they talked. In the beginning we had to arrange separate talks. In the beginning Nelson Mandela had to speak to the groups separately. On the last day they had their de-briefing together. It was amazing to see. One spokesman from one of the groups, in a closing comment, said, ‘We have not spoken for quite a long time – 400 years to be accurate!’ This is the first time that we have come to know each other as humans. There was no blueprint or ground rules for such a process. So if you could get something of that which I have just described into what you are doing it would be really amazing.

Phenomenological reduction: This was the first dialogue between the IRA and Loyalists. The interview begins with Van der Merwe sharing an anecdote about where the South
African negotiations have led. They led to the transfer of knowledge and learning amongst enemies through negotiation and dialogue. Irish Americans supported this exploratory discussion. The logistical arrangements for their visit to South Africa were conducted in a hush-hush way, as were the meetings between the National Intelligence Service and Thabo Mbeki in Switzerland. The importance of confidentiality and secrecy was again paramount. Simple practical matters like eating arrangements had to be conducted separately. The hash-up on a barbecue arrangement, although apparently comical, was intensely serious, and could have destroyed the entire exercise. It was tantamount to gate-crashing a caucus meeting and entering the enemy’s operations room. This slip-up was very high risk from a negotiation-process perspective. It could have destroyed the entire peace process. Van der Merwe is amazed that there was no previous dialogue between hitherto enemies in such a geographically small country.

Isn’t this the standard pattern in deep-rooted conflict? Muslims and Jews are both Semitic, and live in the same space, and their proximity, instead of creating a situation where learning amongst enemies might be enabled, creates a type of ‘social autism’ where the communication is doomed, sometimes for centuries, to be highly restricted. It is almost as if though really deep-rooted conflicts are often between people who are geographically, religiously, and culturally very close, and that the dividing line is the interpretation of the official doctrine ... the authorised and unauthorised versions. The emphasis is typically on differences, but the overwhelming indications are of similarities, and these usually are denied or repudiated. Van der Merwe should not be amazed about the fact that they had not spoken for centuries.

The IRA and Loyalist had not spoken to one another for 400 years. This meeting was therefore a pristine meeting. For this logic it made sense that they did not table any academic rules. Why were there no academic rules and academics? Perhaps they required a completely unelevated and grounded conversation. Perhaps they were concerned that academics might try and hijack the process and use theories and constructs that were not practicable. The point is that this learning amongst enemies was arranged by practical
men who had gone through a similar process themselves. “In the beginning we had to
arrange separate talks.” This is the starting point - separate talks.

Van der Merwe claims that there were “no ground rules”. The researcher’s view is that
what is being said and what is meant do not correspond. There were ground rules. They
were breached when the one party arrived at the other’s barbecue. This could have
degenerated into a serious matter. The ground rules were implicit. They required an
intense understanding of ritual and the protocol of meetings. The researcher’s view is that
the ground rules were implicitly understated, because if they were explicitly articulated
they could have become matters of contention. The hosts also probably did not want to
intrude on a process where the parties were trying to discover one another. Their mere
presence in South Africa meant that they were sincere about discovering a solution to the
issues at hand. Another point might have been that the South Africans did not want to be
prescriptive and wanted to create the space for the Irish to self-organize.

9.3 Shriver on creating an ethic between hitherto enemies

Shriver’s (1995) research points towards certain important principles that underpin the
question of how it came about that hitherto enemies were able to learn from one another
during the national negotiation process in South Africa. Shriver worked in South Africa
during the initial period of the negotiated solution. Shriver’s basic thesis is set out below.

Shriver (1995, p. 6) contended that “[s]eldom has a major political thinker considered
forgiveness as an essential servant of justice or as indispensable in the initial formations
of political associations. One modern exception to this tradition was the late Hannah
Arendt, who identified forgiveness as one of two human capacities that make possible
genuine social change. For her the other was our capacity to make new promises or
covenants. Much liberal-democratic thinking of the past several centuries has assumed
that humans ‘naturally’ have the latter capacity of entering into new agreements with
each other. Not every theorist has explained why enemies, in particular, may not exercise
this capacity. Hardly any has supposed that one of the reasons is a politics-paralysing
refusal of forgiveness.”

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The credos that were reached between the contending negotiators in the South African transition will be shown to effectively be those same credos and covenants that were alluded to in Shriver’s (1995) citation of Hannah Arendt. The emphasis in South Africa during the negotiation process was on making promises, or reaching covenants. These covenants became sets of agreements. They then mutated into a national consensus. The Truth and Reconciliation Commission then dwelt with the enormity of forgiveness and learning amongst enemies. Shriver (1995, p. 7) posited that “[a] kindred reason, for the sense that forgiveness is a strange candidate for a central place in politics, is its long-time exclusive association with the vocabulary of religion. The word ‘forgiveness’ has a religious ring in the ears of most Westerners in a way that ‘justice’ decidedly does not. If forgiveness is to escape its religious captivity and enter the ranks of ordinary political virtues, it has to acquire a more precise, dynamic, and politically contexted definition than it has usually enjoyed. Forgiveness begins with memory suffused with moral judgment. Popular use of the word ‘forgiveness’ sometimes implies that to forgive is to forget, to abandon primary concern for the crimes of an enemy. Quite the reverse: ‘Remember and forgive’ would be a more accurate slogan. Forgiveness begins with remembering a moral judgment of wrong, injustice and injury. For this very reason, alleged wrongdoers are wary of being told that someone ‘forgives’ them. Immediately, they sense that they are being subjected to some moral assessment, and they may not consent to it. Absent a preliminary agreement between two parties that there is something from the past to be forgiven, forgiveness stalls at the starting gate. Especially between antagonistic groups of humans, consensus on the wrongs that each may have inflicted on the other may take a very long time. Logically, forgiveness goes from wrong-sufferers to wrong-doers, but in human societies, and most of all in political conflict, it might not go both ways. There is one moral complexity to the transaction: making moral judgments of an enemy’s behaviour. If, and when, the two come to some agreement on that, they may turn their attention to the related complexity of determining what restitution, compensation, or penalty should now be levelled against the offender.” The first practical step that can assist with this problem is to reintroduce ethics as a component of political science syllabi throughout the world and to cultivate the respectful and dignified study of other religions and culture.
9.4 Shriver's research triangulated with the lived experience of the respondents

Maharaj (2004), in this fascinating tract cited below, provided a lived experience rendition of Shriver's (1995, p. 6) assertion that "[h]ardly any has supposed that one of the reasons is a politics-paralysing refusal of forgiveness". Maharaj (2004) alluded to a conversation that took place whilst he was imprisoned on Robben Island with Nelson Mandela. Mandela was insisting to General Steyn, his prison commander, that it was essential that he should respect the need for an ethic of respect for the enemy. If this respect was abused, it would have been much more difficult to get negotiations started when the time was ripe for a conversation. To paraphrase Shriver (1995), negotiations would have been paralysed at the starting gate had respect been destroyed. Maharaj alluded to the fact that the game of Baas and Neef that Mandela and he had invented on Robben Island was used to influence a practical educational discussion with General Steyn the Commissioner of Prisons.

Maharaj (2004): I remember Madiba having a discussion with General Steyn, who was the Commissioner of Prisons. Madiba was arguing against our being treated inhumanely, both physically and psychologically, and against very little respect being shown for our dignity. In raising the matter with General Steyn, Madiba said these words to him: 'In any war you, as the general leading the one side, will have to eventually, one day in the future, have to sit down over the ashes, and talk to me. I, who am on the other side. If in the process of this war we have learnt to disrespect each other ... the discussions over the ashes will be so much more difficult. It would be very difficult to discover a way forward if we can't respect one another – respect with regard to our abilities as opposing commanders. You need to cultivate this respect for your own dignity and to be able to hold that conversation over the ashes.

Phenomenological reduction: This is a wonderful teaching parable. Maharaj (2004) has converted Shriver's (1995) theory into practice by way of this example. The powerless prisoner used the discussion that emerged as a product of the game of 'Baas and Neef' to teach the Commissioner of Police the imperative for respect, for his own survival, and for
the survival of his people. The image of ultimately having the conversation over the ashes is truly powerful and evocative. Respect and dignity are the basic elements on which learning amongst enemies is based. Any loss of respect for the other is disempowering to yourself, because it will compromise your discussion over the ashes. Respect is essential for learning to take place. It is therefore fundamental to negotiations. A similar view about the imperative to establish an ethical code between hitherto enemies was articulated by Louw (2004).

In the presentation offered by Louw (2004) below he reflected on the inter-relationship between ethics and justice. Most importantly he asserted that his decision to become part of the negotiated transition was a moral decision based on his family up-bringing. Esterhuyse (2004), Eloff (2004) and Tutu (2004) made similar commentaries about the centrality of a code of ethics as a justification for entering into negotiations with hitherto enemies. Rogers (1989, p. 306) extended this notion by asserting that “[a] further element that establishes a climate for self-initiated learning is empathic understanding”.

**Louw (2004):** For me, my decision to get involved in these negotiations was a question of instinct. It was based on my upbringing and my values. I knew that South Africa was in a position that was morally unsustainable. It was morally totally corrupt.

Phenomenological reduction: The first reason that Louw (2004) cited for entering these negotiations was a moral or ethical one. It gives life to Shriver’s (1995) assertion of the importance of creating an ethic between hitherto enemies. (It is significant that Eloff (2004), Louw (2004) and Meycr (2004) offered a testimony in their respective responses to the strength and depth of De Klerk’s moral motives, which arose from his upbringing. They were unanimous in their assertions that that for De Klerk, it was ultimately a question of making the right or wrong judgment call). Louw (2004) could only have been alienated from the values that the state presented as its justification, and which he was duty-bound to uphold. South Africa “was morally totally corrupt” and consequently unsustainable. Yet, he was able to manage this internal ambiguity, and be effective in dissenting from the conventional state-proffered ‘moral justifications’. It is important to
observe that the apartheid government was not monolithic, although it might have been presented as a unified facade. There were fractures and fissures that followed ethical channels.

Louw (2004): If you could not act morally then you could at least try and act legally. But even that option was diminishing.

Phenomenological reduction: Louw seems to be saying that if morality fails, at least there should be respect for legality. But in apartheid South Africa legality also had failed. There was a pretence of legality, but at a fundamental level the society was collapsing. The essence of the social implosion was the collapse of both morality and legality. This is analogous to Shriver’s assertion that justice and morality cannot be regarded in isolation from one another (see Figure 1). They are two different sides of the same coin. It also renders practical support to his thesis that justice and ethics are the cornerstone of society. Interestingly, Louw appears to place ethics above justice.

Louw (2004): In the 1960s grand apartheid failed. In the intelligence service we had to deal with a progressively deteriorating situation. We were involved in and being sucked into an escalating military conflict in Angola and South West Africa. We were having to engage with the military might of the Soviet Union. It was clearly a no-win situation for us. The question arose: ‘How could you get out of this situation?’ ‘What can be done?’ As I got older and more mature, I realised that we could not become victorious by military means.

Phenomenological reduction: The crisis that Louw is reflecting upon was complicated and therefore required the discovery of an intricate solution. The crisis had reached a phase where it had to be admitted and embraced to its full extent. Louw’s assertion is that a military intervention was non-viable and the negotiation rules of engagement were such that there would be no clear outcome if a win-lose struggle were pursued. The security situation was also sufficiently serious to mean that the conflict could not be left alone and ignored – it could not be absolved. The conflict could be dissolved by the design of an
entirely new society, which is in effect what happened with the constitutional negotiations, which led to the creation of the ‘New South Africa’.

It would not make sense for the negotiation counterparts to be in conflict with and compete with one another. This was because the hitherto enemies were destined to be dependent upon one another, if they were to discover the highest constitutional solution. This is often the case although it would usually be denied by the adversaries. This discovery of the highest solution can only be achieved if the emotional temperature between negotiation counterparts is kept at moderate levels. If the emotionality of the conversations was permitted to skid out of control, it would prohibit an ethic of understanding from being established between hitherto enemies. Cooperation, collaboration and joint problem solving would have to set the tone for this learning interchange particularly when the society itself is in chaotic and rapid decline. Invoking a meaningful conversation between hitherto enemies was the only possible option. The rules of this conversation were that they would have to seek to create an ethic between hitherto enemies.

Louw (2004): Krygkor [Armscor] had developed atomic weapons, and South Africa was a rising military power. In spite of this nuclear power, I experienced a sense of helplessness. There was a deep futility about possessing power in a military sense. It was counter-productive. It resulted in South Africa drawing more fire. We were regarded as dangerous and we were hated. We were perceived as being a threat towards world peace. My basic instinct was that what we were doing was unjust and indefensible.

Phenomenological reduction: If you do not possess power in an overall moral sense, you will soon lose political power, and your military power too will begin to unravel. Louw (2004) offers his views with a brutal honesty and self-critique.

Honesty and introspection are the zones where learning amongst hitherto enemies might begin. Louw (2004) seems to be asserting that military might, together with an absence of moral and legitimacy power, is ultimately an untenable power equation. You have to
have both. Louw (2004) reflected upon his utter sense of helplessness given that South Africa had nuclear weapons. Its arsenal of nuclear bombs made it a despised and mistrusted rogue state. These weapons disqualified it from acceptance as an honourable nation amongst other nations. The resulting opprobrium meant that South Africa had promoted itself to the ignominious role of being a threat to world peace. South Africa was occupying a very uncomfortable political, economic, military and moral space. At its core the state was morally corrupt.

Louw (2004): Some solution had to be reached. I did not expect the ANC to be willing to sit around a table and talk except in terms of their ‘total transfer of power’ ideology. I did not expect this in terms of their stance and the many memoranda that came across my desk. In the decisions that they took and in their written words there was no sign of a softening of their stance. All the indications were there that there would be a continuation and broadening of the struggle at a continuing and escalating cost of human life.

Phenomenological reduction: These paragraphs offered by Louw are significant. They raise important questions. The questions are in fact about the integrity of research conducted by intelligence agencies around the world. In the case of South Africa, Louw conceded the fact that the desk research conducted by the NIS was wrong. They found that negotiation was not a viable option, but the lived experience of the hitherto enemies expressed that negotiation was a viable option. In other words, the desk research was wrong at the most fundamental level. It was effectively advocating war in a situation where peace was the defining option. Whilst some solution had to be reached, the situation appeared to be stalemated in the stasis scenario and was seemingly insurmountable. The matter appeared overwhelming, because of ideological and propagandistic stances. These ideological and propagandistic stances are distinct from the cultivation of an ethic between enemies. They should not be accepted on face value, but they need to be handled with great care because they could readily trigger conflicts if they were mismanaged. Desk research in terms of the scrutiny of memoranda is important. But it is passive. It does not focus on the fact that an organisation comprises of
dynamic coalitions of living people. These people have changing values, potentially fluid assumptions, and networks, and their boundaries are impacted on and determined by their knowledge and ability to make choices about others, including their enemies. Enemies have the potential to make fresh decisions and change their minds and move on. Enemies potentially have leaders who too have the ability to change reality and create alternative scenarios for better or for worse. One needs to accept that in situations of deep-rooted conflict, there is a presentation of rigidity but, underlying this, there might be real flexibility. The extent of flexibility might defy expectations. This matter is explored in Chapter 12, which is devoted to the question of interests and positions and the rules of engagement.

Tutu (2004) asserted that the “secular events” that were arranged between hitherto enemies were of vital importance for the creation of an ethic of trust. The secular occasions served to create an ethic amongst hitherto enemies, upon which sound and lasting relationships could be built. In the cameo outlined below, Ramaphosa (2005) and Meyer (2004) went fishing together in an isolated area. Meyer suffered the misfortune of getting a fishing hook (or fishing fly) deeply embedded in his finger. Meyer had two options, he could trek through the veld with the fish hook embedded in his finger and seek the assistance of a doctor or he could rely on Ramaphosa, his ‘arch enemy’, to extract the hook from his finger. He chose to rely on the good judgment of his rival. This is how Ramaphosa described the situation.

**Ramaphosa (2005): The hook of a fly was deeply embedded in Roelf’s finger. It was so unimportant.**

Phenomenological reduction: This event was not unimportant. It was a personal test, a personal initiation ceremony, an ordeal, and a rite of passage towards a trusting relationship. This type of initiation ceremony has happened so many times in South Africa. Two boys go out to play in the veld, and then one of them hurts himself. His capacity to deal with the pain is a rite of passage, an initiation into manhood and respect. Fate decided that Ramaphosa would have the power to test Meyer’s courage. Meyer had to trust Ramaphosa to pull a hook out of his finger with a pair of pliers. Ramaphosa had
the courage to pull the hook whilst Meyer, in this situation, had to display a greater fortitude and have the hook torn from his hand, as we had to have apartheid pulled from the national psyche to be whole again.

Ramaphosa (2005): He asked: ‘Can I trust an ANC person?’

Phenomenological reduction: This is a wonderful parable. The fact of the matter is that the chief negotiator of the National Party had no choice but to trust Cyril. If he did not, he would remain in agony, with the hook of apartheid firmly embedded in his psyche. The same principle applied to the national negotiation process. They came to a wise realisation of their mutual interdependence. The globe is strewn with cases where this type of learning amongst hitherto enemies simply does not happen.

Ramaphosa (2005): This was irrelevant to the whole national drama.

Phenomenological reduction: This is untrue. The matter was deeply relevant to the whole national drama. Tutu insists on the importance of ordinary secular events as the basis for addressing very serious matters. Small matters do count. We often do not realise how important small things are.

Ramaphosa (2005): That helped to cement a good relationship. Me and Meyer ... It served to be a good underpinning and foundation when we reached serious patches. He and I had stand-up fights.

Phenomenological reduction: The rational (logos) aspect of Ramaphosa seems to be saying that these matters were probably trivial at a rational level. But they were very important at the relationship and process levels. This ‘trivial’ matter laid the foundation and provided the initial test for moving through very dangerous seas together. His terminology, “Me and Meyer”, denotes affection. Ramaphosa then refers to their “stand-up fights”. They had cultivated the trust and security in their relationship to do just this.
Ramaphosa (2005): But those informal moments of social intimacy helped to serve as an underpinning, to sustain us when we went through serious moments. As the process unfolded Roelf and I had one slogan. We always said that there is no problem without a solution.

Phenomenological reduction: This is important. They developed a private negotiation covenant which was relayed in terms of a credo. Ramaphosa uses the term “slogan” to describe it, and that term would have been appropriate to his constituency. It can be viewed either way – as a slogan or a credo. The agreement on the slogan had significant practical implications. It was an agreement that they would constantly learn and continually adapt their negotiation stratagems. Their devotion to continuous adaptation protected them against obsolescence.

Ramaphosa (2005): And more than anything we were able to approach all matters without the fear that it would fail. We put that slogan to the test, time and time again.

Phenomenological reduction: The credo was practically implemented, and manifested in the creation of the channel bi-laterals.

Ramaphosa (2005): As we led our teams, our theme committees would always seek the solution.

Phenomenological reduction: The purposeful seeking of solutions emerged as a constant theme in many of the interviews. The respondents focused on seeking an ideal constitutional design for South Africa.

Ramaphosa (2005): We knew that if we failed, then Mandela and De Klerk would help, if they failed the nation would help. I never feared.
Phenomenological reduction: This commentary relates again to the safety of the negotiations. With good leaders you need not fear. It is very interesting how trust is the safety net of the national negotiations.

Ramaphosa (2005): That negotiation slogan armed us with confidence about the strong conviction that I have always had, that sworn enemies would find accommodation and resolution for a problem that had always been regarded as intractable.

Theuns Eloff was on the secretariat of CODESA, and he offered the following commentary, which is highly relevant to Shriver’s (1996) imperative for the creation of an ethic amongst enemies.


Phenomenological reduction: This discussion is included in order to provide a sense of De Klerk’s language usage, and his use of idiom. ‘The Company’ was a corporate metaphor for South Africa at that time. De Klerk’s simile was that South Africa at that time was bankrupt. There was no use in retaining an ossified and corrupt entity. Something brand new had to be created. He recognised that he had to make a new beginning. This is completely consistent with Louw’s assessment of the matter. The suggestion was to close down the old South Africa and create a new one.

Eloff (2004): His thinking [FW de Klerk’s] was in fact morally driven ... FW is a Dopper. My sense of him is that this moral thinking is what alerted him. He is a practical person, and so would zoom in on the economic, political and then the ethical dimension. He is integrated in his thinking and is not eaten up by concerns.

Phenomenological reduction: The literal translation of “Dopper” is imbiber. In South Africa there is strong penchant for nicknames. The Doppers’ is the nickname for Nederduitse Hervormde Kerk which is a conservative and small branch of the Dutch
Reformed Church. They are not dissimilar in their pioussness from the Amish in Pennsylvania. They are not sociable and not reclusive though. President Paul Kruger who was the leader of the Boer Republic during the time of the Anglo Boer was a Dopper. They have a strong focus on the Old Testament. The Doppers form an influential component of Afrikaans society. They gained their nickname on account of their refusal to drink the wine offered at communion from a common cup. They were concerned about cleanliness. They instead insisted on their own communion glasses and hence were referred to as the Doppers. In this passage Eloff is exploring De Klerk’s mental model. He is of the view that he is strongly morally driven. The fact that De Klerk was also a member of the Dutch Reformed Church’s Dopper community resonated with Eloff. He also regarded De Klerk as practical and holistic and multi-dimensional in his thinking.

Eloff (2004): On the ANC’s side Nelson Mandela had maintained his balance, faith and optimism after so many years in prison, and this was terribly important.

Phenomenological reduction: Eloff’s contention was that Mandela’s psychological and spiritual balance was vital to the successful outcome of the negotiations.

Ramaphosa (2005): A failure to find trust destroyed many, in tens of decades of fighting.

Phenomenological reduction: For Ramaphosa, the discovery of trust was a life-and-death quest. The failure to discover trust destroyed countless lives. If one does not learn from one’s enemies, it would seem as if there is a great personal risk that one’s life could be stalled at the moment of the violent transgression. The stalling of one’s life could be manifested in the form of a post-traumatic stress syndrome. Shriver’s (1995) reflections go to the heart of the rationale for establishing the TRC in the first place. The following citation from the interview with Villa-Vicencio relates to the matter of forgiveness. Villa-Vicencio was on the Truth and Reconciliation Commission and offered a powerful commentary, which is set out below.
Villa-Vicencio (2005): I have seen them as tough as they come in the TRC. I have also seen them weep over a cup of coffee. I can tell you about how victims and survivors came through, and did not look for revenge. I spoke to this colonel in Military Intelligence whilst on the TRC. He was a huge goutbul ['big bull'] of a man and he was decidedly unpleasant. He asked me the most bizarre question: ‘Who do I send my account to?’ I said, ‘I am not a lawyer’. He said to me, ‘Can I take you out to lunch?’ I felt very uncomfortable with this … I choose who I have lunch with. I don’t have lunch with a perpetrator of gross human rights violations. ‘I don’t eat with the enemy.’ He did not let up. Anyway, I eventually agreed that we could have some coffee and a conversation. He was smoking and blowing huge clouds of smoke. Suddenly, there were dollops of tears running down his checks. He told me that he had a 22-year-old daughter ...

“Vir haar was ek altyd ‘Papple’. Dit was voor die TRC verhoor ... Sy het my gevra, ‘Papple, wat het Papple die laaste vyf-en-twintig jaar by die werk gedoen? Hoekom is jou werk so geheimsinnig? Ons is ’n liefdevolle Christen-familie. Hoekom die stilte en geheimsinnigheid? Ek is Papple se liefdevolle dogter. Jy het my as ’n Christen grootgemaak’ Ons het ’n Christen-huis gehad. Ons kon jou nooit uitvra oor wat jy doen nie.”

[“In the eyes of my daughter, I was always ‘Dad’. That was before the TRC trials ... She asked me, ‘Dad, what have you been doing at work for the last twenty-five years? Why is your work so secretive? We are a loving Christian family. Why the silence and secrecy? I am your loving daughter. You raised me as a Christian. We had a Christian home. We could never ask you about what you did.”]  

“The truth has cost me my marriage, my daughter my home, my life … My relationships are all estranged with those that matter to me. My healing is that I will write a book to answer my daughter’s questions. Once I discovered what I was doing, it had already taken place for far too long.”
Geoff, I walked out of that discussion, knowing that there was no way that I could condone what he had done. He is a perpetrator. He was also perpetrated against. In this sense he is also a victim. He got locked into the violations by small almost invisible steps. I little by little ... He told me that he wanted to write a book for his daughter to explain what happened and what he did. So, this hard man wept. Learning amongst enemies means talking and sharing pain and learning to forgive. What does it mean to forgive? Geoff, that is a very big and core question. I don't think that I’ll ever be able to forgive entirely, or forget. That is for sure. But, ‘learning amongst enemies’ means taking control of your own life and moving on.

Phenomenological reduction: This is an extraordinary passage. Empathy for the experience of the other seems to be a vital component of learning. This, Shriver (1995) asserted, is empathy for the enemy that encompasses an ethic of forgiveness. This perpetrator, no doubt, wrecked many innocent lives. Western thinking would be strongly focused on the need for retributive justice in a case like this. African thinking is different. In the space created by African thinking, and specifically by the philosophy of ubuntu, it would be recognised that the perpetrator’s life is now completely broken. The concern would not be for vengeance, but rather to allow him the space to re-build his life. The ethic is forgiving. The perpetrator believed that by telling his daughter the truth about his transgressions, and by writing a book for her to explain these terrible deeds, he might be able to redeem himself in her eyes. Learning amongst enemies in this case means telling the truth to redeem yourself in the eyes of your family. Learning amongst enemies meant the restitution of the broken family. The perpetrator appeared to gradually slide into his role of abuser, and once there, could never discover the moral strength to extricate himself from this role. There was no absolution.

Villa-Vicencio (2005): I think that apartheid was such a transgression as a structure. But black people were able to still see whites as individuals, and not through the lens of apartheid. This dissociation, I think, was very important. If whites had been personified as ‘apartheid’ the situation could have swung the other way. Apartheid therefore provided individuals with a cloak of protection because of its sheer
inhumanity. An individual could not be as bad as apartheid. Apartheid was the objective hated system. The individual was subjective and had to be valued.

One of the things that got us through this conflict was that somehow there was a level of humanity that enabled black folk to focus on the structures of the system. It enabled some of the perpetrators to rediscover their own lost humanity. When you discover your own humanity, you can move forward. It is about moving forward, by seeing the humanity of the other. Ultimately there might come a recognition that you are the other. This is where ubuntu enters the equation. I am not thinking about it in a narrow way. I am thinking about ubuntu in a broad philosophical way.

I have been speaking in a long and rambling way and you have been silent, Geoff. But my God, when one looks, one sees that some form of loving takes place in Africa. Yes, we do kill one another, but we also try to live together. In South Africa, unlike in America and Europe, there is a willingness to affirm the humanity of the other. There was a strong trend to focus on the structure rather than on the people who de-humanised us. You could say that this learning amongst enemies was driven by self-interest. Well, this is true. Self-interest explains the extent to which whites have been drawn into the new South Africa.

The Afrikaner has been more adaptive than the Englishman, I think. When I have to answer the question about how nitherto enemies learned from one another by audiences in the United States and the UK, I discover that they actually do not understand. They always want to try and reduce the equation to justice, retribution, and vengeance. I say to these audiences that non-Africans are far too ready to prosecute to seek revenge. They are much more ready to follow that path than we Africans are. I can’t understand why we are like this. But my God, Geoff, if you can unpack that one, you will be doing something very useful.

What happened during the talks about talks that took place at all levels was that a bunch of people, rich and poor, black and white, realised that they had to live together, or the country would ‘go down the chute’. Shakespeare said in one of his
plays that: ‘They clung to one another, like two exhausted and tired swimmers in the ocean.’ At a profound level, there came the realisation that the only hope for survival came from the other – the enemy. That thing, ‘your being’, rests on ‘the other’ – ‘the enemy’ was used and exploited pejoratively by Mandela, and De Klerk, and Cyril, and Roelf. These guys saw the humanity of the other, and that is what got us through the ordeal, the saga. There are many stories, many important anecdotes. But when all is said and done people will struggle to understand why the process of learning amongst enemies occurred as it did, particularly if they are non-African.

Phenomenological reduction: Restorative justice was expressly understood and written into the post-amble of the Interim Constitution (Maharaj, 2004). Shriver (1995, p. 7-8) asserted that “[f]orgiveness, in politics or any other human relation, does not require the abandonment of all versions of punishment of evildoers. But it does require the abandonment of vengeance, and this is its second constituent element. Forgiveness gets its real start under the double impetus of judgment and forbearance from revenge. Forbearance opens the door toward a future that will not repeat the old crimes. Unaccompanied by forbearance in the very beginning, moral judgment often fuels new enmity. Who are more ferocious in battle than the morally empowered? Who is more tempted to make sure that the enemy pays for its crimes many times over? Moral justifications have been great friends of vengeance from time immemorial.” Villa-Vicencio’s (2005) sketch of the persona of the colonel from Military Intelligence who had perpetrated gross human rights abuses raises some significant indicators of how hitherto enemies learned from one another. Villa-Vicencio did not specify what the crime was, and we can only assume that it was terrible. When Villa-Vicencio was asked about the matter of accepting payment, it becomes clear that the colonel feels somehow indebted to Villa-Vicencio by a principle of reciprocity. This sense of indebtedness means that Villa-Vicencio felt obliged to sit down with this perpetrator of gross human rights abuse and converse with him. The thought of this was personally repugnant to Villa-Vicencio. But, if he had rejected this overture, Villa-Vicencio would have been disallowing a space for learning amongst hitherto enemies to take place. Eventually, Villa-Vicencio relented, and granted the colonel an audience. During the course of this
meeting the laws of gravity seem to have changed. Villa-Vicencio was able to see the perpetrator of gross human rights abuse as a human being. Despite himself and his foreboding, he saw his humanity. Although the colonel was ‘a great hull of a man’, Villa-Vicencio felt empathy and compassion for him. Villa-Vicencio seemed to consciously curtail this compassion, and be always mindful of his transgressions. At the end of it all, Villa-Vicencio did have empathy for the abuser. The Colonel’s personal journey of restorative justice was to write a book for his daughter and to tell her the truth. For Villa-Vicencio, the evil that had been perpetrated could not be abandoned but it could be relinquished. That would allow forgiveness to set in and life to be rebuilt from the ashes. The Colonel’s plight was suddenly so clear and pathetic that any notion of vengeance after this confessional inclines towards a human rights transgression in itself. Shriver (1995) terms this forbearance. He asserted that moral empowerment frequently leads to morally blind fury … the fury of the inquisitor. Villa-Vicencio in this tract displays that he has the moral courage to understand the perpetrator’s humanity. This understanding might open up the space for a new beginning. It is in this context that certain reflections and considerations made by Shriver (1995, pp. 7-8) will be offered: “The forbearance element in forgiveness is most likely to surprise former enemies. ‘Do unto others what they have done unto you’ seems the ordinary rule of give and take in human transactions.” “But equally surprising may be a third element in the transaction that has a great significance for the construction of new political relationships: empathy for the enemy’s humanity. Empathy should be distinguished from sympathy. The moral stance of forgivingers usually precludes sympathy with the enemy’s cause and their methods of pursuing it. This combination of moral judgment upon wrong, with empathy for wrongdoers, may be rare in human affairs, but in fact acknowledgement of fellow humanity lays the groundwork for both the construction and repair of the human community…” “It is not true that to understand all is to forgive all. But it is true that understanding the humanity of enemies is another step towards entertaining them as fellow human beings. Even in the midst of war, enemies need understanding of each other’s humanity. The analogy of political to interpersonal relations here is close. A political philosopher, Jeffrie G. Murphy, wrote recently: “I once heard a boy say, after hearing that the class bully was a victim of child abuse, ‘That takes all the fun out of
hating her’. There are many instances in modern political affairs where empathy with an injuring enemy deprives the injured of this ‘fun’.”

In this regard the Boers had a vivid historical memory of the fact that they were defeated by the British during the course of the Anglo Boer War. Their farms were burnt to ashes, and their wives, sons, and daughters were incarcerated in concentration camps, where they died in droves. This humiliating defeat fuelled the growth of Afrikaner Nationalism and created the classroom bully mentality of the apartheid social engineer. The memory of defeat was bitter, and it rankled. Shriver (1995, p. 8) reflected that “[g]enuinely forgiveness aims at the renewal of a human relationship. Not merely an act of isolated high moral high-mindedness, forgiveness aggressively seeks to repair the fractures of enmity. Therefore forgivers are prepared to begin living with the enemy again, on the same level of positive mutual affirmation. In politics this implies some form of co-existence. Forgiveness in a political context, then, is an act that joins moral truth, forbearance, empathy, and a commitment to repair a fractured human relation. Such a combination calls for a collective turning from the past, that neither ignores past evil, nor excuses it, that neither overlooks justice nor reduces justice to revenge, that insists on the humanity of enemies even in their commission of dehumanising deeds, and that values the justice that restores political community above the justice that destroys it.” This point emphasises the importance of the spirit in which peace treaties are formulated. Those who are defeated need to be treated with dignity and respect. There needs to be respect for the enemy’s graves and shrines. If the shrines are desecrated the crimes will be repeated. Shriver (1995, p. 9) then offered what might be considered a negotiation maxim: “Forbearance can prompt a start toward a confession of wrong, empathy can deepen that confession, as new political ties embody the purpose of the transaction. A forgiver does not need to dwell indefinitely on the enemy’s past crimes unless evidence surfaces that the enemy no longer considers the memory of these crimes important. Similarly, the forgiven does not need unending assurance that ‘the other’ really does forbear, empathise, and intend a new relation, for along the way concrete evidences of all will have accumulated. So defined political forgiveness links realism to hope. It aims at delivering the human future from repetitions of the atrocities of the past. Given the scale
of politically engineered atrocity in the twentieth century, nothing could be a more practical or more urgent a gift to our neighbours in the twenty-first.”

Shriver (1995, p. 13) then summarises his essential logic: “Against the background of great evils done and great evils suffered in the relations of human groups to each other, they stand at a fork in the road: If they take the fork of revenge, they will never emerge from a political culture, truly primitive. If they take the other fork, they may call it ‘justice’ to distinguish it from the revenge with which it is sometimes confused.”

9.5 Conclusion

It is posited that the leaders of some, but not all, conflicts around the world would share a surprising congruence in their sets of ethical values, regardless of whether they chose to use violence as a means to solve them or not. These ethical values might even almost be mirror images of ‘the other’s’ deeper values systems. Of course there will be many situations where this is not the case. Ethics are part of the human condition, and indeed are a vital aspect of being human. The exclusion of ethics from the study of nations can be regarded as manifestation of the anti-learning behaviour that Mitchell (1989) described as ‘cognitive consistency’ in Chapter 6. It is reality simplifying in an extremely negative sense.

The failure to acknowledge the importance of creating an ethic amongst hitherto enemies would seem to be a fundamentally practical negotiating mistake. It could close down negotiation space and prohibit hitherto enemies from understanding that, although their presented positions might be perceived as being very far apart, their congruent ethics and values represent a fundamental intersection of interests. Understanding these intangible and intersecting interests and values in a structured manner, together with the ability to convert them into tangible concessions, could change the entire way that a negotiation process is conducted.

At one level, this discussion, leads logically to Chapter 12, which is a theory-creation chapter, and is devoted to a reflection on the negotiation rules of engagement and their

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relationship to interests and positions. At another level, it forms part of the troika of Chapters 8, 9 and 10 that crystallise into Chapter 11. Chapter 11 is distilled into a meditation on the interrelationship between Cartesian logic and the ethos of *ubuntu*.

*Cogito ergo sum*, ‘I think therefore, I am’, is posed against *Estis ergo sum*, ‘Because you are, I am’.
Chapter 10: Learning Amongst Enemies as a Search for Meaning: The Danger and Necessity of Developing Trust in the Other

10.1 Introduction

This chapter will be introduced by citing a reflection that was offered by Ramaphosa (2005) on the centrality of trust as a search for meaning. The failure to discover trust in the other has come at a mortal cost over the centuries, manifested in wars, conflicts, crime, poverty, ignorance and illness. The failure to discover trust often deprived the hitherto enemies of meaning in life and the pursuit of happiness. Finding out that the other is capable of trusting something or someone was therefore a necessity.

Ramaphosa (2005): A failure to find trust destroyed many, in tens of decades of fighting.

Phenomenological reduction: Trust is the core. Ramaphosa (2005) equates it with life and death and, implicitly, hope. For Ramaphosa (2005), it is extremely difficult to negotiate if there is no trust in the other. Ramaphosa (2005) knew that if he and Meyer (2004) failed, he could trust Mandela and De Klerk, and if they faltered he could rely on the nation. It goes far deeper than simply to negotiate. You ultimately cannot live with the other if there is no trust.

10.2 Trust

If you have no trust in the other, you have to create your own set of fortifications to protect yourself. If one’s life-situation is bereft of trust in the other, the fortifications that you build to protect yourself will ultimately imprison you and consume you. This most certainly happened with the social engineering associated with apartheid. It destroyed trust on a massive and national scale. In the negotiation literature one’s negotiation partners are often referred to as ‘opponents’, ‘enemies’, ‘adversaries’, ‘the opposition’, and ‘the other’. The researcher’s view is that this terminology, if inappropriately used
(with poor accompanying diagnosis), could prove to be incendiary. "The other" needs to be portrayed with dignity and respect. The researcher holds the view that the term "counterpart" is useful in describing the friend or enemy with whom one is compelled to negotiate with. It is devoid of pejorative innuendo that might contaminate trust.

It is noted that much of the business negotiation paradigm is deeply competitive and conflictive. Much of negotiation theory derives from a business paradigm. It raises the question about how translatable and indeed applicable these business negotiation theories are to complex political negotiations, and indeed to life in general, where the need for trust is paramount, and the necessity to cooperate and collaborate with 'the other' is an imperative. Competitive and conflictive negotiation principles are almost certainly not generically transferable to situations that demand cooperation and collaboration and vice versa. These negotiation principles have to specifically be contextualised. This requires in turn that the negotiators apply their own wisdom to build their own theories and constructs, which will allow them to succeed in achieving their objectives.

The negotiation theory is a theory, and the danger is twofold. The first danger is of being intoxicated by negotiation theory, and devoting insufficient introspection on its appropriateness to a given situation. The second danger relates to being unjustifiably dismissive of it. The inappropriate advocacy of a competitive/conflictive negotiation paradigm, or cooperative/collaborative paradigm could destroy trust and networks of relationships, depending on circumstances. Ramaphosa (2005) and others provided a de facto critique of current negotiation theory and its diverse presumptions. This notion of negotiating without trust might perhaps be possible in normal conflicts, but the South African experience was that it would be impossible to proceed without cultivating trust under a scenario of deep-rooted conflict, with fragmenting 'wicked problems' as a hallmark.

Fisher and Ury's (1986, p. 13) advocated that one could negotiate independently of trust under certain circumstances. Their council might be acceptable in a situation where all the detail of a negotiation is locked into a legal contract, and all the risks are mitigated. It is most certainly not appropriate council for situations where the nurturing of trust is at
the very core of future relationships. Ramaphosa’s (2005) view converges with that of Barnard (2004), who cautioned against the grave dangers of negotiators trying to be too ‘clever’ and playing games. The hitherto enemies were able to embark on a shared search for a desired future for South Africa because they were able to build up a ‘ground cover’ of trust. The respondents, without exception, took great personal pride in their contribution towards creating a new constitutional dispensation in South Africa. This pride was a pride in their life-purpose.

It is the researcher’s view, based on his interviews with the 17 respondents, that the experience of learning amongst enemies, and in so doing creating a new country, is regarded by each and every one as one of the greatest achievements and important contributions that they made to others in their personal lives. The respondents discovered a general sense of deep personal meaning by virtue of the privilege of participating in this process. Their participation opened up new and much better worlds for millions of ordinary people. This chapter will therefore explore learning amongst enemies as a search for meaning.

This search for meaning is encompassed in the danger and necessity of developing trust in the other. Had the hitherto enemies lost ‘the will’ to discover a profound life-meaning, the process would have come to naught, and the country would probably have slid into an escalating civil war. The will to discover meaning in situations of great adversity seems to have been a shared and positive trait amongst the contending negotiators and respondents, and could be designated as a core negotiation competence amongst the hitherto enemies. At the most fundamental level a search for meaning requires the exploration of the enemy’s interests and positions (see Chapter 12).

Fisher and Ury (1986) and Fisher and Brown (1988) explored the difference between negotiation interests and positions. Essentially, positions are single-point manifestations of interests. The positions are a distillation of the aspirations of the contending negotiators. The danger is to take these positions too literally and to ignore the vital coincidence of deep-seated values that might exist at the level of common interest between enemies. These interests include the often unspoken consensus that might exist
between hitherto enemies on a range of fundamental intangible values. The failure to understand this intersection of deeper values and to expropriate them (in a positive sense) during the negotiations could place the entire negotiations at risk.

Frankl (1984, p. 105), who was incarcerated in a Nazi concentration camp during World War II, came to the view that “[m]an’s search for meaning is the primary motivation in his life, and not a secondary motivation of instinctual drives. This meaning is unique and specific in the sense that it must be fulfilled by him alone: only then does his achieve a significance which will satisfy his own will to meaning.” Frankl’s view of the centrality of the search for meaning is, possibly, the fundamental reason for learning having taken place amongst hitherto enemies. His writings were inspired out of the enormity of the Nazi genocide. He gained his wisdom from a situation that could not have been more intolerable. Without a dedicated and resilient search for meaning in very difficult circumstances, the pursuit of a peaceful constitutional solution would have been a failure. Frankl’s assertion of the primacy of a search for meaning and purpose resonates with the feedback provided by virtually all of the respondents. It was an explicit, consistent underlying theme that emerged from all the respondents. It emerged in different forms and sets of values depending on the dispositions of the respondents. The search for meaning was a private and individual quest to make sense and to offer a valuable contribution in a situation that was chaotic and seemingly often devoid of hope at this time.

The hitherto enemies learned because they purposefully searched to make meaning out of South Africa’s chaotic conundrum. Ebrahim (1999, p. 4) posits that the determination to succeed was vital to the successful outcome. He puts it thus: “The experience of constitution making revealed another South African characteristic: the determination not to succumb in times of adversity. Despite their difficult circumstances, negotiators succeeded in finalising one of the most advanced constitutions in the world with the greatest possible public participation. These negotiations also witnessed some of the finest leadership in South African history; for when political violence and civil strife