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# A LUTA DIS-CONTINUA?
# THE TRC FINAL REPORT AND THE NATION BUILDING PROJECT

**Jeremy Cronin**

*"Nothing has corrupted the German working class so much as the notion that it was moving with the current ... This training made the working class forget both its hatred and its spirit of sacrifice, for both are nourished by the image of enslaved ancestors rather than that of liberated grandchildren."* (Walter Benjamin, *Theses on the Philosophy of History)*

## INTRODUCTION

The historical transition under way in our country remains somewhat fluid, with the dominant trajectory and character of post-apartheid South Africa still uncertain and contested. This contested transitional process has at least three general, interrelated dimensions:

1. *the politico-juridical*, in which the key moments have been the negotiations (1990 –1993); the April 1994 foundation elections; and a Constituent Assembly leading to a new constitution. But this dimension , it is important to insist, has also involved the unleashing of a vicious low intensity conflict strategy (the "third force"), escalating through 1991 right up to the eve of the April 1994 elections, as part of (not despite) the apartheid regime's negotiations strategy. This "third force" strategy provoked in turn mass popular struggles of mobilisation, protest and community self-defence. Since 1994, the politico-juridical dimension has involved, in particular, a major programme of legislative reform and struggles around institutional transformation.

2. *the socio-economic* dimension, which is epitomised, in my view, by the struggle for (and against) a major reconstruction and development programme; and

3. *the moral* dimension – with the Truth and Reconciliation Commission process being the most salient, sustained and focused component of a much broader moral, ideological, aesthetic and cultural ferment.

Each of these dimensions needs to be seen in its interconnection with the others. Each has been, and remains, contested. What makes understanding this contest confusing is that it takes place *within* an extensive domestic and international consensus *for* (some kind of) *post-apartheid change* in South Africa. There are, of course, forces that are utterly opposed to any change, but these are a tiny minority and they are marginalised. The real struggle – political, socio-economic and moral – occurs within the broader consensus for change. The nature, the

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depth, the objective possibilities and constraints, and the ongoing trajectory of post-apartheid change are what is deeply (and often confusedly) contested. The confusion includes a considerable fluidity across and within political party boundaries.

Stated very schematically, the contest

1. at the *political* level is over whether the transition should be more than elite pacting around a formal, non-racial, multi-party constitutional settlement. The argument for a low intensity democracy, as the only feasible political scenario in negotiated settlements of this kind, has been extensively argued in mainly US-based studies of "negotiated transitions" (see, *inter alia*, O'Donnel *et al.* 1986, and Huntington 1993). This view received its most coherent South African elaboration from Frederik van Zyl Slabbert (1992):
   *"One of the most daunting challenges facing [a future government of national unity] is to protect the new political space created by negotiations from being used to contest the historical imbalances that precipitated negotiations in the first place..."* (p.90)

   An opposed view would be that the political transition (to be just, and indeed to be sustainable) has to be much more than an intra-elite (non-racial) pacting on the "rules of the game", "power-sharing", and the transfer of some elite power. This opposed view would argue that the political transition must be directed at a much more profound transformation to overcome, precisely, the "historical imbalances" inscribed within all structures of power in our society (see Cronin 1994).

2. At the heart of the *socio-economic* contest is the question as to whether change is essentially about "modernisation" of the South African economy, restructuring it so as to re-integrate it, as best as possible, into a globalising and relatively benign "world market" of boundless opportunities. On this reading, apartheid was, essentially, a market impediment to effective global competitiveness. A contesting perspective is that socio-economic change in the transition has to be, fundamentally, about a major programme of reconstruction and development to overcome the legacy of apartheid, understood not just as an impediment, but as an active colonial structuring and underdevelopment of our society, and, indeed, region.

3. And the struggle over *morality* in the transition? Here the question is, essentially, whether the moral project we foster is aligned with the vision of low intensity democracy, economic modernisation, and the forging of a new, pacted non-racial (and globalising) elite. Or, is it a moral project that will help to affirm and empower a more profound transformation?

That, it seems to me, is the central question that has to be contested when it comes to interpreting the significance of what has been an incredibly moving,

complex and historically unprecedented process – more than two years of the Truth and Reconciliation Commission. It is a question that haunts the TRC's own official Report, but it is never adequately posed, still less answered. Indeed, I believe that the TRC Report can be read as an exemplary case of the contested (and confused) nature of the transition in our country. The Report is a locus upon which both of the contesting scenarios for change (the elite pacting plus modernisation scenario *and* the more substantial transformation scenario) are to be found. These scenarios co-exist in an often confusing and unselfconscious way within the TRC Report. This leaves a trail of symptomatic disjunctures, elisions, discursive awkwardness, silences and plain confusions.

I hope, in what follows, to point out some of the footprints of this symptomatic trail.

**MORALITY – THE INTER-PERSONAL AND THE SOCIO-POLITICAL**

The TRC Report interprets its core mandate to be *"part of the bridge-building process", "designed to help lead the nation away from a deeply divided past to a future founded on the recognition of human rights and democracy."* (1, 4, 2) According to the Report, the TRC's contribution to this "bridge-building" involves three fundamental steps – the fostering of "truth telling", the "acceptance of responsibility", and, thereby, building "national unity" and "reconciliation" (these last two concepts tend to be used interchangeably by the TRC Report).

The concepts "responsibility" and "reconciliation", in particular, belong essentially to moral discourse. But the TRC constantly traverses, both in its diverse activities, and in its Report, the terrain of the inter-personal (the responsibility of this torturer for the violation of this victim's rights) and the terrain of broader social collectives – the moral responsibilities of political parties, liberation movements, communities, social institutions, and the eventual and hoped-for reconciliation of the "nation" with "itself".

But can state institutions, or political parties, or religious bodies, or a nation accept responsibility, feel guilt, express remorse, or embrace reconciliation? In short, can social collectives be regarded in any way, other than in the vaguely metaphoric, as moral agents?

The TRC Report stumbles into this issue thus:

> *"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."* (1. 5, 19)

Clearly, this kind of brief nod, in the direction of what is an absolutely central issue for the entire TRC project, is not going to provide a very secure conceptual basis for what is to follow.

There is a broad school of thought that believes that social collectives cannot be construed to be moral subjects. It is a school of thought that found its most distilled (and most reductive) expression in Margaret Thatcher's claim that "there is no such thing as society".

But if the claim of a society, or a nation, for instance, to subjectivity (if not indeed actuality) is uncertain, then what of individual human beings, wherein lies their subjectivity? A society or a nation are certainly not timeless, metaphysical realities. They are social constructs – the result of a particular history, struggle, appropriation (and/or loss) of resources, and of social discourses of all kinds. But, then, exactly the same thing has to be said of the subjectivity of the biological beings we call humans. Indeed, the forging of personal subjectivity (and therefore of personal moral agency) is not separate from the constitution of social collectivity – family, tribe, nation, social institution, political party. There is no personal (or indeed religious/Christian) morality outside of some form of social collectivity, with its institutions, rituals, texts (sacred or secular), and a myriad of other discourses. The human subject and the social collective as subject define each other, collectivity forges and sustains individual subjectivity and makes moral agency possible.

Central, therefore, to the moral project underpinning the work of the TRC should be the discursive construction (out of an understanding of the past, and of the past in the present) of some kind of morally-based, political, social and economic vision of the "New South Africa", and therefore of "us", the "New South Africans". But the TRC Report is unable to establish a relatively clear theoretical basis for its discursive attribution of moral terms like "responsibility" and "reconciliation" to both the interpersonal and the social collective. It stumbles at the very first theoretical step, noting rather lamely the potential disjuncture between one set of moral assumptions and another, which it provisionally "resolves" by consigning the one to the domain of the "interpersonal" (or, perhaps, even to the religious/Christian), and the other to the domain of political morality.

This is, of course, a non-solution, above all when it occurs at the heart of a project that is all about seeking to bridge the interpersonal and the social, reconciliation and history, morality and politics.

This non-solution reverberates loudly throughout the Report, reinforcing and being reinforced by a trail of further problems, which include:

1. The fact that the truth the TRC seeks for is largely confined to a pursuit of the truth about *gross violations of human rights*. This might still have been a

viable window into the past had it been used imaginatively, but the TRC's definition of a "gross violation of human rights" is at once extraordinarily broad and extremely narrow.

2. The past is limited to the period 1 March 1960 to 10 May 1994. This produces, as Colin Bundy(1999), Mahmood Mamdani (1998) and others have remarked, a very truncated version of that past, both in scope and content.

3. These mutually reinforcing (and drastic) limitations on the scope of the "truth" to be sought for and explained in the TRC process impoverish its bridge-building from the past to the future. They mean, in practice, that the Report is unable to sustain a coherent discourse capable of fostering a relatively stabilised, if diverse, collective self-recognition, laying the basis for national unity and reconciliation. The instability of this endeavour plays itself out in at least two ways around the attempt to construct some kind of "we" – the New South Africa/New South Africans:

   - The core attributes of this emergent "we" are unclear, and the Report begins to fall back onto two apparently contradictory, but entirely reinforcing perspectives. It starts to interpellate us all as "perpetrators" and, equally, all as tendential "victims". The problem of national identity (and unity) is thus "resolved".
   - Any attempt to define "us" relationally, in a (perhaps contrastive) relationship to the non-South African – the rest of the world – runs into even more confusion and incoherence.

In what follows I hope to re-trace in more detail some of these questions.

## GROSS VIOLATIONS OF HUMAN RIGHTS

In its founding legislation, the "bridge building" mandate of the TRC, from truth towards reconciliation, directs the Commission specifically to:

> *"uncover as much as possible of the truth about past gross violations of human rights..."*

as the Report correctly notes (1, 4, 3)

> *"This task was necessary for the promotion of reconciliation and national unity. In other words, the telling of the truth about past gross human rights violations, as viewed from different perspectives, facilitates the process of understanding our divided pasts, whilst the public acknowledgment of untold suffering and injustice helps to restore the dignity of victims and affords perpetrators the opportunity to come to terms with their own past."* (ibid.)

But what is a gross violation of human rights? The founding legislation for the TRC (the 1995 Promotion of National Unity and Reconciliation Act) defines it thus:

> *"**Gross violation of human rights** means the violation of human rights through-*
> *(a) the killing, abduction, torture or severe ill-treatment of any person; or*
> *(b) any attempt, conspiracy, incitement, instigation, command or procurement to commit an act referred to in paragraph (a), which emanated from the conflicts of the past and which was committed during the period 1 March 1960 to the cut off date within or outside the Republic, and the commission of which was advised, planned, directed, commanded or ordered, by any person acting with a political motive..."* (1, 1, ix)

This definition has an extremely narrow, legalistic, empiricist slant to it – not to mention the narrowness of the time period. An apartheid era massacre in, say, February 1960 is not a "gross violation of human rights" for the purposes of the Act.

Rather than pushing the envelope as much as possible, the TRC has chosen to interpret the founding legislation on this point in ways which foreground individual acts, side-lining the systemic. The systemic (even genocidal) gross violations of human rights under the apartheid system – mass forced removals, pass laws, the bantustans, the whole apparatus of decades-long territorial "ethnic cleansing", resulting in mass malnutrition, high levels of infant mortality, abysmal levels of life expectancy, all of this is kept largely to the side.

In the foreground are the individual acts of brutality in this or that incident. The TRC Report is, again, not unaware of this choice (see 1, 4, 59). Here it characterises the systemic abuses of apartheid as "*very serious* (but not gross) *human rights abuses*", and by this conceptual sleight of hand, it rules that they do not constitute the essential focus of its concerns.

But if the definition of a gross human rights abuse is very narrow, it is also unhelpfully broad at the same time. Returning to the Promotion of National Unity and Reconciliation Act definition, quoted above, it would seem surely to include the liberation movements' armed struggles almost in their entirety – at least insofar as they moved beyond the symbolic sabotage of unpopulated facilities, and began to involve deaths, or the risk of deaths. Even the defensive killing of armed SADF raiders into neighbouring countries would, on this definition, appear to be a gross violation. In short, the founding legislation's definition is extremely problematic, lacking the detail and complexity of, for instance, the Geneva Conventions and Protocols governing the conduct of irregular wars.

Some of the complaints by leading ANC figures, directed against the TRC findings on the conduct of the liberation struggle, might have been more

accurately directed against the founding legislation itself. See, for instance, Thabo Mbeki:

> *"One of the central matters at issue was and remains the erroneous determination of various actions of our liberation movement as gross violations of human rights, including the general implication that any and all military activity which results in the loss of civilian lives constitutes a gross violation of human rights."* (statement to the Parliamentary debate on the TRC Report, quoted in *Sunday Times*, 28.2.99)

It is possible therefore to sympathise, up to a point, with the TRC chairperson's observation in his Foreword to the TRC Report:

> *"Let us quickly state the section of the Act relating to what constitutes a gross violation of human rights makes no moral distinction – it does not deal with morality. It deals with legality. A gross violation is a gross violation, whoever commits it and for whatever reason. There is thus legal equivalence between all perpetrators. Their political affiliation is irrelevant."* (1, 1, 52)

But this, too, is wholly unsatisfactory. In the first place, while sheltering behind the narrow legalism of the founding legislation, as the TRC chairperson does here, the TRC Report does not, in fact, stick strictly to the letter of this legislation. The Act's definition of a gross violation does not, for instance, distinguish between civilian and non-civilian deaths. The TRC Report for its part argues that:

> *"The Commission views armed and/or uniformed combatants on both sides as being 'legitimate targets'. The deaths of members of the security forces while on duty and in uniform are not considered gross violations of human rights"* (2, 4, 56)

That, in my view, is an improvement, and it is certainly a departure from some of the narrowness of the Act. The improvement, without a great deal of further qualification is, however, also not going to be able to sustain itself coherently. As the Report concedes, in an irregular war like that actually fought in South Africa *"there are many grey areas"* (2, 4, 56). The liberation movements fought guerrilla wars and the apartheid regime employed unconventional means of all kinds – informers, *askaris*, a cordon sanitaire of white farmers, other proxy forces, etc. The idea that the presence or absence of armed and/or uniformed combatants would provide some relatively neat yardstick is flawed. In the end, the Report fails either to follow narrowly the founding legislation, or to adequately and satisfactorily define its own definition.

Returning to the passage from the TRC chairperson's Foreword, which we quoted above:

> *"Let us quickly state the section of the Act relating to what constitutes a gross violation of human rights makes no moral distinction – it does not deal with morality."* (1,1, 52)

This is an extraordinary position, the central question confronting the TRC (gross violations of human rights) surely has to be a political, legal and moral question, or the entire purpose of the TRC, as transitional bridge-builder, starts to founder.

The chairperson's Foreword then further compounds the problem by confusing political affiliation with personal identity, and these two with the reasons for an action, and it excludes all of these concerns (equally) from legal judgement:

> *"A gross violation is a gross violation, whoever commits it and for whatever reason. There is thus legal equivalence between all perpetrators. Their political affiliation is irrelevant"* (1, 1, 52)

The *reasons* for committing an action may well have something to do with who a person is, and with their political affiliation, but reasons are *not* reducible to these; and the *reasons* for an action might be absolutely relevant, surely, to any legal, political and moral judgement.

Having, astoundingly, separated the definition of a "gross violation" from any moral meaning, the TRC Report is not renouncing the right to make moral judgements, but the grounds for such moral judgement are now left extremely vague.

> *"The same kind of act attracts different moral judgements"* (1, 1, 52)

> *"The fact that the Commission was obliged by statute to deal even-handedly with all violations does not mean, however, that moral judgement was suspended or that the Commission made no distinction between violations committed by those defending apartheid and those committed...to its eradication."* (1, 4, 60-1)

That may be the case, but we are left in doubt as to what conceptual basis the Commission invokes to make such moral distinctions.

The discursive divergence between the legal, the moral, and the political in the TRC Report means that it is unable to construct an effective perspective on how we should build a reconciled and united South Africa. It seeks to resolve its own dilemma in an interesting way, by interpellating us all as, tendentially, victims and perpetrators.

**WE WERE ALL VICTIMS**

Elaborating on it own version of its mandate, this is what the TRC Report has to say:

> *"[I]t was clear that the underlying objective of the legislators was to make it possible for the Commission to* ***recognise and acknowledge as many people as possible as victims of the past political conflict.*** *This objective, in its turn, was central to the Commission's overall task to promote national unity and reconciliation."* (1, 4, 82, my emphasis)

What is especially pertinent about this quote is that it refers to recognising and acknowledging as many people as possible as victims of the "past political conflict", and *not* as victims of apartheid. In a sense, everyone was a victim of this conflict, in one way or another, at least in the banal sense that life in South Africa was affected by political conflict. But being inconvenienced in some generalised way must not be conflated with the systematic perpetration of apartheid, or the systematic benefiting from it. Apartheid's perpetrators and beneficiaries were, by and large, not its victims. The distinction is crucial, but it is fudged here.

This, in turn, creates space for the kind of claims we find, for instance, in the Report's chapter on "Business and Labour" (4, 2). Here, one section of big business blames another section of business, as in the SA Breweries submission:

> *"English-speaking business leaders often felt marginalised under apartheid, having little or no influence over government policy...In a real sense, such businesses were also victims of the system."* (4, 2, 52)

The TRC Report is not necessarily endorsing this view, but it is quoted along with other contrary perspectives.

Afrikaans-speaking white business (in the Afrikaner Handelsinstituut's altogether more honest submission) concedes mistakes, but tends to locate these in the context of "*separate development*" being "*part and parcel of the majority of the white community's thinking at the time*". *(4, 2, 56)*

If we wanted to, we could push some of this into an absurd reductionism – English-speaking business blaming Afrikaans-speaking counterparts, who blame the political ambience, the politicians blame the securocrats, and the securocrats blame a few "rotten apples". In the end, we could all become the victims of a few rotten apples. This, as it happens, is not where the particular and generally quite thoughtful chapter on "Business and Labour" travels. Unfortunately, there is too little buttressing in large parts of the Report to be sure, however, that this kind of reductive reading does not dominate.

**NO, WE WERE ALL PERPETRATORS**

But with such a wide definition of victims starting to emerge, we are also going to end up with a very wide definition of perpetrators. The bad apples blame both their political masters and the real beneficiaries - big business (regardless of its language preference):

> *"Our weapons, ammunition, uniforms, vehicles, radios and other equipment were all developed and provided by industry. Our finances and banking were done by bankers who even gave us covert credit cards for covert operations".* (apartheid era security policeman, Major Craig Williamson, cited at 4, 2, 3)

Perhaps the real victims are the actual perpetrators, the bad apples, the ones who are now carrying the can?

We are starting to end up, as Hegel once put it, in a fog so thick that all cows are grey. Indeed, that the TRC Report is trying to turn us all into perpetrators is admitted to at least once:

> *"This focus on the outrageous has drawn the nation's attention away from the more commonplace violations. The result is that ordinary South Africans do not see themselves as represented by those the Commission defines as perpetrators, failing to recognise the 'little perpetrator' in each one of us. To understand the source of evil is not to condone it. It is only by recognising the potential for evil in each one of us that we can take full responsibility for ensuring that such evil will never be repeated."* (1, 5, 108)

What seemed to be an investigation into the truth about the apartheid past in South Africa, in order to secure the admission of responsibility and reconciliation, risks ending up with the homily of the little perpetrator.

> *"There is consensus that atrocious things were done on all sides".* (1, 1, 69)

Our common South Africanness can be affirmed, national unity can be built on the grounds that we are all little perpetrators, all fallen beings. But we were also all victims, and we are all victims of...our own perpetrations! The bridge to the future is in danger of being a moral Möbius band.

Of course, this symmetry cannot possibly be sustained in the face of the actual reality of the past, and its continued legacy in the present. There are tell-tale signs of the failure of this symmetry throughout the TRC Report. One such case is to be found in the:

**REGRET FOR A WHITE LEADER**
The TRC chairperson writes in his Foreword:

> *"I still hope that there will be a white leader who will say, 'We had an evil system with awful consequences. Please forgive us.' Without qualification."* (1, 1, 73)

I would contend that, from the point of view of the moral and political project of building a united, non-racial nation, the failure of any major "white political leader" to come forward and apologise without qualification is an advantage, not disadvantage. It means that white South Africans are not effectively "represented" (morally or politically) by any apartheid-era white politician or party. The "failure" of the hoped-for confessing "white leader" emphasises the fact that, for there to be a non-racial, democratic and united South Africa, there has to be a radical discontinuity in terms of institutional representation for whites.

This, in my view, is quite different from the fact that many individual whites, or largely white institutions (certain churches, or individual congregations, for instance) have, indeed, made moving and pertinent confessions. These have paved the way for many whites as individuals, or as individuals organised non-politically to find their way into some sense of a new South African collectivity.

The TRC chairperson's regret in regard to the no-show by any credible "white political leader" betrays a very different paradigm of reconciliation and transformation in our country. It is clearly a moral version of the political elite pacting that was so much advocated in neo-liberal circles in the negotiations period.

In mid-1992, when the negotiations momentarily faltered under the impact of low intensity conflict violence and mass resistance, there was a flurry of neo-liberal editorial activity. We will not have a settlement, wrote Stanley Uys "*unless elites on either side arrange it, as they usually do in history*" (The Star, mid-August, 1992). And consider the following sample of article headlines from the same period. "NEEDED: A COUNCIL OF THE WISE" (Laurence Schlemmer, The Star, July 28, 1992); "WHAT WE NEED IS THREE WISE MEN" (Alex Boraine, The Star, August 7, 1992); "KING RULES, OR BARONS, OR THE UPSTARTS TAKE OVER" (Ken Owen, Sunday Times, July 26, 1992).

The disappointed longing for a "white political leader" to come forward and apologise to the TRC belongs to this same paradigm of transition – a great white leader has to shake hands with a great black leader, and each has to "deliver" "his" constituency.

**PROBLEMATIC SYMMETRIES**

The pursuit of all these problematic symmetries to overcome the real and persisting divisions of the past is also to be found, at times, in the syntax of the TRC Report. Consider, for instance, the following passage:

> *"The broad challenge of reconciliation between those who benefited from the past and those who continue to be disadvantaged by past discrimination is central to the vision contained in the postamble to the interim Constitution."* (1. 5, 24)

Past discrimination is, correctly, understood to have an ongoing impact on the victims (*"those who continue to be..."*); but the *persisting reality* of ill-begotten powers, wealth and privileges is set back into the past tense, elided in the syntactical asymmetry of this apparently symmetrical sentence. What is at stake in this asymmetry is the legitimacy of the present powers of those who benefited from the past.

If you do not trouble the morality of existing structures of power, wealth and privilege, then you are not opening up any perspective of an ongoing; just struggle for redistribution and democratic transformation by those who continue to be impoverished. At best, you are pleading for some kind of charitable concern on the part of those who just "happen" to be privileged, wealthy and powerful. We are back to elite pacting and to not contesting (as Van Zyl Slabbert advised) "the historical imbalances that precipitated negotiations in the first place".

**DELIGITIMISING ONGOING STRUGGLE - 'A LUTA DIS-CONTINUA'**

Indeed, the tendency towards a sleight-of-hand rainbowism, towards the syntactical construction of apparent "balance" to elide actual historical imbalance, towards the discursive construction of "we" (the New South Africa/South Africans) out of the Möbius band of all perpetrators/all victims, serves precisely to mask and delegitimise the need for any active, ongoing struggle – political, socio-economic and moral – for the forging of a relatively united and democratic South Africa.

This tendency is part of a broader paradigm, and is very much located in the way in which the TRC Report, at times, has chosen to understand the negotiated transition:

> *"The negotiated agreement in South Africa averted the costly return to the politics of confrontation and mass mobilisation"* (1, 5, 57)

Contrary to this view, the negotiations were themselves a particular mode of political confrontation. Indeed, not only was there eye-ball to eye-ball negotiating show-downs, but, sadly, deaths in political violence soared in this period. The

negotiations process also involved (as I have already asserted) considerable mass mobilisation against the violence and in favour of national and very localised demands. The idea that mass mobilisation – for electoral registration, or in the face of the HIV/Aids epidemic, or for socio-economic transformation – is no longer required is equally wrong, as is the strange idea that politics can now be confrontation free.

But if there is confusion about who "we" are and need to be, coming out of our domestic past, there is even greater confusion about who "we" (diversely) were, and now are, in relation to the rest of the world.

**THE INTERNATIONAL CONTEXT**

The international context of the South African conflict is dealt with largely in the TRC Report chapter on "Causes, Motives and Perspectives of Perpetrators" (5, 7). There are also some paragraphs on the international context in the chairperson's Foreword, to which I shall turn in due course.

The way in which the discussion is set up in volume 5, chapter 7, as a phenomenology of perpetration, means that we should not anticipate any sustained attempt at a coherent account of the actual international context. The topic is approached as a series of points of view (even rationalisations) from "perpetrators". This may, or may not, help us to understand why perpetrators perpetrated. But it is unlikely to help us very much, as an emerging new South Africa, to debate and arrive at some kind of general consensus about the truth of the international context of our conflict, of how it influenced us, and what impact it might still have.

The relevant discussion in volume 5, chapter 7 identifies three major "political contexts" for the past conflict:

1. The first, and most direct, is the domestic context:
   *"the NP policy of apartheid, long rooted in colonialism and segregation, but increasingly from 1948...involving a direct struggle between oppressor and oppressed."* (5, 7, 75)

2. The second, wider context was
   *"the international context of cold war, in particular the virulent form of anti-Communism and anti-Marxism that took root after the 1948 election victory of the NP."* (5, 7, 67)

3. And, thirdly, the other wider context was
   *"the anti-colonial resistance movement in Africa, particularly in neighbouring territories of Zimbabwe, Namibia, Angola and Mozambique"* (5, 7, 69)

*"the local struggle was part of the wider anti-colonial movement in Africa"* (5, 7, 70)

At face value, these contextual characterisations might seem accurate enough, but there are some niggling problems, which soon become serious.

In the first place, the Report has chosen to contextualise the South African liberation movements' struggle as "part of the wider anti-colonial movement in Africa". This is certainly not wrong, but what of the still wider category of Third World national liberation struggles (Vietnam, Cuba, Nicaragua, etc.)? Certainly the ANC saw the African anti-colonial struggle as a sub-category of this broader struggle against not just formal colonialism, but also the various imperialist forms of subjugating the periphery – semi-colonialism, neo-colonialism, etc.

It is only by broadening the anti-colonial struggle in this way that one can make some sense of the post-colonial African national liberation struggles. The Report mentions, for instance, the anti-colonial struggles in Angola and Mozambique. But it was the post-colonial, post-1975 wars in Mozambique and especially Angola that had a much more profound impact upon the South African conflict. Indeed, both ANC MK and SADF personnel were directly involved as combatants in the Angolan post-colonial war.

It would not be wrong to argue (but it is not argued in the Report) that the Angolan post-1975 conflict belonged, in part, to the Cold War context. But this underlines a major silence throughout the Report. The *interconnection* between apartheid and imperialism, on the one hand, and of the national liberation struggle here and those elsewhere, on the other, are never adequately touched upon.

The three political contexts of the South African conflict, as elaborated in the Report (apartheid, the Cold War, and the African anti-colonial struggle) are also all conveniently in the past. Apartheid has, constitutionally, been removed; the Soviet bloc has collapsed; and the formal European colonisation of Africa is no longer a reality (with arguable exceptions like the French occupation of Mayotte). Once again, the implicit message is that the struggle is over. The internal and external impediments that isolated us from the world and that blocked the emergence of a unified, new South Africa/South Africans have now disappeared. But have they?

The symptomatic price of not thinking through the character of South Africa's complex relationship to the world system is nowhere more apparent than in the TRC chairperson's Foreword to the Report.

**THE CHAIRPERSON'S FOREWORD**

In the Foreword to the TRC Report we stumble, more or less, into a discussion of the international situation, coming at it from a slightly unusual angle. Paragraph 61 of the Foreword seeks to pre-empt a potential accusation:

> *"when the Commission declares apartheid a crime against humanity, its most ferocious critics will say: 'What did we tell you; what did you expect from such a skewed Commission packed with struggle types, hell bent on a witch-hunt against Afrikaners...?"*

Paragraph 62 then explains that the TRC is, in effect, not out on a global limb in this judgement:

> *"Mercifully the international community, and not just the Communist bloc, has already declared apartheid to be a crime against humanity. For the international community, indeed, this is no longer a point of debate."*

There is something called "the international community", and it is of one mind on this issue...and that is how we stumble into a discussion of international affairs. Almost like a stream of consciousness, paragraph 63 then proceeds to link apartheid to global realities. I will take this long and convoluted paragraph step by step:

> *"This means that we cannot hope properly to understand the history of the period under review unless we give apartheid and racism their rightful place as the defining features of that period."*

I am not inclined to disagree, although the preceding paragraph arguing that the international community had defined apartheid as a crime against humanity does not logically entail that apartheid was, therefore, necessarily the defining feature of the South African period. (One might, for instance, want to argue that apartheid *and* the struggle against it were the defining features.)

> *"People would be surprised if anyone wanting to describe or understand the post World War II period were to ignore Soviet Communism or not give it a central, indeed pivotal, place in the geopolitics of that period. We know that nations defined themselves in terms of their relationship to Communism. That is what determined the politics, economics and foreign policies of the different protagonists at the time. It is what determined the nature of the Cold War period. The attitude towards Communism defined who one's allies and enemies were, what sort of defence budget was necessary and which surrogate states to support."*

There are two related things to be noted in this section of the paragraph:

1. A resemblance is being established between apartheid as the defining, pivotal feature of South Africa, and Soviet Communism as the pivotal feature of the world situation over the post-war decades. But is the resemblance merely structural – each being pivotal? Or is there a politico-moral resemblance as well? The fact that this paragraph occurs in the immediate context of a discussion about crimes against humanity implies that there might be more than a structural resemblance, but this is never actually said.

2. We need to ask whether, factually, the structural assertion about the place of Soviet Communism in the global system, presented as common wisdom ("*people would be surprised if anyone...*"), is valid. Note how there is a slide, in the relevant sentence, from asserting that it would be surprising if anyone were "*to ignore*" the role of Soviet Communism, to a "*central*" role for it, to a "*pivotal*" role. The notion of a pivotal role for communism in this paragraph obscures what is, surely, the more generally accepted (and more accurate) understanding of the post-1945 world system as, at least politically and militarily, *bipolar*. There was not a single pivot which defined the choices of all the protagonists, but a pivotal relationship, two antagonistic blocs, a communist bloc and, if anything, a more dominant imperialist bloc.

This missing second pole in the chairperson's Foreword creates a structural one-sidedness in the argument. Yes, one might argue that the attitude towards communism may well have shaped "*who one's allies and enemies were, what sort of defence budget was necessary and which surrogate state to support*". But it could equally well be argued that one's attitude towards imperialism shaped these kinds of political choices.

The Foreword, having stumbled into the Cold War, cannot quite proceed without noting the existence of that other powerful force, the second bloc. And this is where the paragraph continues:

> "*The threat [of communism] was seen as so serious that the world's greatest Western democracy saw nothing wrong with supporting some of the world's worst dictatorships – for example, Pinochet's Chile, other Latin American military dictatorships and Marcos' Philippines – simply because these declared themselves to be anti-Communist. The USA was ready to subvert democratically-elected governments by supporting internal dissidents in their efforts to overthrow legitimate regimes – such as the Contras in Nicaragua and UNITA in Angola – because the elected governments were Communist-influenced or fellow-travellers. The West did not seem to care too much about the human rights records of their surrogates.*"

All of this, to my ears, might seem like music, and then, immediately, comes the unconvincing conclusion:

*"What we are underlining is that, to understand this Cold War period, one has to acknowledge the key role of Soviet Communism."*

I would have thought that all of what had just preceded this conclusion tended rather to illustrate the "key role" played by "the world's greatest Western democracy". (But perhaps that is because I do not think that Pinochet's Chile, for instance, first existed, then declared itself anti-communist, and then, simply for this declarative fact, got to be supported by an otherwise innocent US administration.)

Obviously the TRC Report is not a treatise on post-1945 global geo-politics, and it should not be judged as if it were. But the confusions and slippages manifested in these paragraphs of the Foreword impact very directly on the ability to sustain a coherent political and moral perspective on the past decades of South African history, and on the kind of reconciliation and nation-building the TRC hopes to sustain for the future. In particular, the confusions and slippages:

1. Make it impossible to deal coherently with the location of apartheid South Africa within the wider post-1945 global system. Was the most salient connection between apartheid and the global system a structural resemblance between its pivotal role and that of Soviet Communism?

2. This, in turn, leads to a confused understanding of the place of an emerging South Africa in the world – apartheid South Africa becomes a radical abnormality, just as the Soviet Union was a radical abnormality. These twin abnormalities were pivotal, and led in turn to responses whose motivations might have been good, but which sometimes led to excesses. Both abnormalities are now surpassed. A normal South Africa can return to a normal world; and

3. Therefore, all of this makes it impossible to understand the nature of the actual struggle that was waged to end apartheid, and ongoing struggle that is still needed to consolidate democracy, nation-building, reconstruction, development...not to mention a more just world order.

We are, in fact, starting to head towards a South Africa-in-the-world variant of the "we were all little victims/perpetrators" perspective. This variant is very prevalent in contemporary South African political discourse, and often occurs in surprising places.

**WE WERE ALL LITTLE POLE-CATS**

*"For a country that not many years ago was the polecat of the world, South Africa has truly undergone a revolution in its relations with the international community. The doors of the world have opened to South Africa, precisely because of our success in achieving things that humanity*

*as a whole holds dear."* (Address by Pres. Nelson Mandela to the Opening of Parliament, 5 February 1999)

Here, President Mandela comes close to assuming the apartheid regime's (partial) isolation from the world as a collective South African isolation – as if the ANC was not an active agent in campaigning for this isolation. The ambiguities of assuming some kind of continuity in the subjectivity "South Africa" are played out in this passage in the pronominal switching between "it" ("its relations") and "our" ("our success"); and in the syntactic removal of agency ("South Africa has truly undergone a revolution"; "the doors of the world have opened"). All of this is a measure of the conceptual difficulties and confusions that seem so often to occur in this area.

But far from being some universally reviled global aberration, the colonial features of South African society, as they evolved over the 20th century, were a variant of a spectrum of colonial, semi-colonial and neo-colonial political systems that were imposed upon Third World societies. The white-racist colonial bloc in South Africa was not external to a world system dominated by the developed capitalist countries of the North. *White minority rule was, precisely, the institutional means by which South Africa was integrated into that world system.* This is not to say that there were no local dynamics or national specifics. Nor can one deny that there were secondary contradictions between the South African white polity and the dominant capitalist powers in the North, but these contradictions were not the dominant reality for the better part of this century, nor indeed for the better part of the apartheid era.

By the mid-1980s there was certainly a substantial body of international opinion that now recognised apartheid as a crime against humanity. It would be an error, however, to imagine that this was the dominant international view for the first three decades of apartheid's four-and-a-half decades of existence. It was only in 1976, in the immediate context of the students' uprising in South Africa, that the UN Security Council unanimously stated that "apartheid is a crime against the conscience and dignity of mankind." (as the TRC Report notes, 1, 4, 7). On 13 December 1984 the Security Council finally passed Resolution 556, which declared apartheid, in less qualified terms, to be "a crime against humanity" (see *ibid.*).

Still more instructive is the trajectory of US policy on South Africa. It was in the early 1960s that South Africa started to feature on the US foreign policy agenda, and it was "the Cold War, not statutory race discrimination in a remote country" that was "the dominant preoccupation". (Landsberg & de Coning, 1995, p.1). A key US strategic document on Southern Africa was produced in August 1969, the National Security Staff Memorandum (NSSM 39). It was to lay the basis for US policy towards the sub-continent for the next decade and a half. The core strategy option advocated by the document, and pursued in practice by successive US administrations, was the so-called "Tar-Baby Option". It

advocated close US association with both white and newly independent black states in the Southern African region, in order to encourage "moderation" on all sides. It argued that the white states were there to stay, and that these states (rather than the newly independent black states) were the only effective agents for constructive change.

The Reagan policy of "constructive engagement" with the apartheid regime represented, more or less, a continuation into the 1980s of the Tar-Baby Option. In the words of Chester Crocker, the Reagan policy set out to "maintain public opposition to racial repression but relax political isolation and economic restrictions:" on the apartheid regime (Crocker, 1992, p.79). It was only very late, in the mid-1980s, that official US policy began to change. In September 1986 Congress overrode Reagan's veto of the Comprehensive Anti-Apartheid Bill, and Reagan had no choice but to alter his (and longstanding US) policy. This changing of US policy was linked to four principal factors:

- The growing influence of the world-wide, anti-apartheid solidarity movement, generally, and specifically the growing influence of the Afro-American lobby in US politics;
- The waning power of the Soviet bloc, and therefore the diminishing salience of Cold War pro-US, regional gendarmes;
- A shift (a relative shift one should emphasise) away from the politico-military domination of the Third World, to an increasing use of financial mechanisms (the management of debt, Structural Adjustment Programmes) to reinforce dependence;
- The intensification of struggle and repression, and deepening structural crisis in South Africa itself.

This very brief overview suggests that at least three implicit assumptions within the TRC Report (and in much other contemporary South African commentary) need reassessment:

- The evocation of some consistent and enduring global condemnation of apartheid is not borne out by the facts. Such a picture grossly under-estimates the actual struggles that had to be waged within South Africa, and beyond our borders, to achieve a wide condemnation and the (partial and belated) isolation of the regime that perpetuated the system;

- In their submissions to the TRC, a number of apartheid-era political parties, and security force operatives evoke, by way of justification for their acts and policies, the Cold War and the struggle of the "West" against "global communism". See, for instance, the National Party submission that the apartheid state personnel "*believed that in conducting their struggle against the ANC, they were playing an important role in the West's global resistance to the expansion of Soviet Communism.*" (5, 7, 78). While the TRC Report records these views, and accepts that they might have been sincerely held,

we are left with the distinct impression that such arguments are, at best, apartheid self-delusions. Indeed, this is exactly what the ANC submission argues on this score (see 5, 7, 82). But was it all self-delusion? Given what we know about the Tar-Baby Option, and about Reagan's constructive engagement policy, and about specific areas of joint action (like US/apartheid South African intelligence and military collaboration in Angola) – we are entitled to ask whether there were not good grounds for apartheid-era state operatives to feel they were part of a global, anti-Communist struggle.

- All of this, in turn, raises another awkward question. If the origins of apartheid South Africa are to be found in a global colonial system; if the apartheid regime was perceived by leading powers to be an integral component of a global system, making it worthy of constructive engagement; and if the switching of this policy had to do with struggle, with the collapse of the Soviet bloc, and with the growing capacity of the leading imperialist powers to dominate the South through financial means – *what is the nature of the world into which "we" are "now" "returning"?* Is it some benign reality, a boundless domain of normality, freedom and market opportunity? Or is it a world of gross inequalities, in which the divide between the "First" and most of the "Third" World is growing, in which "emerging" markets mostly do not emerge, and in which the consequences of colonial and imperialist conquest, oppression and exploitation are daily reinforced, not diminished?

If we are to seek to forge a new South African nation (politically, economically and morally) in this world as we find it, and not as we might wish it to be, then we have, at least, to ask these awkward questions. The TRC Report, once again, fudges the really difficult but central issues.

**CONCLUSION**

I have been harsh on the TRC Report because I believe that there is an urgency about all these matters. Allowing ourselves to sink into a smug rainbowism will prove to be a terrible betrayal of the possibilities for real transformation, real reconciliation, and real national unity that are still at play in our contemporary South African reality.

Indeed, one can extract other readings from the TRC Report, and one can certainly find very different trajectories in the overall two-year TRC process itself. The Report, for instance, does find that apartheid was a crime against humanity; it links apartheid to a colonial past; it acknowledges the structural and systemic nature of apartheid oppression; it records the deep complicity of the particular path of capitalist development in South Africa with apartheid; it affirms that the liberation movements were engaged in a just war; it (also correctly) notes very serious violations that the movements committed, and it accepts that these were not systemic. If these fundamental points had constituted the general and consistent framework within which the Report proceeded, it would, I believe,

have laid an effective basis for the (still necessarily open-ended and pluralistic) moral transition it hoped to foster.

But these points are constantly subverted by an entirely different paradigm – the paradigm of low intensity democracy, of global economic "integration", of elite pacting, of pronouncing the struggle over, of driving a wedge between morality, legality, and politics.

I have tried to lay bare the traces of this second paradigm, as it impacts upon the TRC Report. I suppose that the good news is that this paradigm is not only impractical and unjust, it is also unable to sustain a coherent discourse in the face of the terrible legacy left to us by apartheid. If there is one thing the TRC Report demonstrates clearly, it is that.

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