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Coming to Terms with the Past: Truth, Justice, and/or Reconciliation

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As we approach the end of a century marked by genocide and collective violence, it has become increasingly important for deeply divided societies to find a way to come to terms with their past. The twentieth century may be most remembered for its legacy of gross human rights violations and mass atrocities. Violent conflicts, massacres, and oppression by one group over another have torn apart the social fabric of countries in nearly every region of the world. The Turkish massacre of Armenians, the Holocaust of World War II, the killing fields of Cambodia, South Africa's apartheid system and the violence and repression used to sustain it, genocide in Rwanda and Burundi, and ethnic cleansing in the former Yugoslavia are but some of the terrible examples. Added to this collective brutality are the state terrorism and repression of the Soviet and Chinese gulags, the gross human rights violations of many authoritarian regimes, and the disappearances and torture inflicted by military dominated dictatorships on their own populations.

How do societies make a transition from the experience of conflict and violence to a more democratic future based on respect for the rule of law? How do they achieve at least the modicum of social reconciliation among former adversaries necessary for people to live together and share a common future? Do Christian concepts of forgiveness and reconciliation have any relevance for these transitional societies? Can perpetrators of vicious crimes against humanity be held accountable without undermining prospects for reconciliation? These are not just academic questions. The future of an increasing number of countries may depend on finding appropriate answers.

This paper will explore one of the major issues before these transitional societies, the balance among truth, justice, and/or reconciliation. It will focus on the role of truth commissions, with an emphasis on the experience of South Africa. Within the international human rights community, most human rights organizations and practitioners advocate for the full investigation

HV S 49

and documentation of past human rights offenses. Truth commissions set up for this purpose have played a critical role in a number of countries, among them Argentina, Chile, Germany, Zimbabwe, Haiti, Guatemala, and South Africa.[1] Nevertheless, there is disagreement as to whether truth commissions help to promote national reconciliation or create deeper resentment and exacerbate existing divisions in these fragile societies.[2] Moreover, many human rights organizations and practitioners argue that it is also necessary to prosecute and punish the perpetrators of significant human rights violations so as to assure accountability, justice, and respect for law in the future. The approach of the religious community has often been somewhat different. Religious thinkers are more inclined to stress forgiveness and reconciliation as important dimensions in coming to terms with and overcoming the legacy of a divided past.

As someone who has a divided professional identity and has lived and worked in several deeply divided societies, this debate has affected me at a very personal level. I currently direct a human rights program that has served as a consultant and scientific advisor to truth commissions in Haiti, South Africa, and Guatemala, and I have been personally involved with the South African Truth and Reconciliation Commission. Prior to my current position, I spent ten years as a staff member of an international church agency working on peace, justice, and human rights issues. And I have a strong commitment to forgiveness and reconciliation.

South Africa provides an important lens through which to consider and evaluate these issues. As the final section of South Africa's Interim Constitution notes, that country is now in a transitional period "between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy, and peaceful co-existence and development opportunities for all South Africans."[3] The violence, institutionalized racism, and injustice at the heart of the apartheid system

[1] Priscilla Hayner, "Fifteen Truth Commissions – 1974 to 1994: A Comparative Study," *Human Rights Quarterly* 16 (1994): 597-656.
[2] Hayner, "Fifteen Truth Commissions," 609.

dominated the country from 1948 until 1992. Non-governmental human rights organizations estimate that as many as 200,000 South Africans were arrested between 1960 and 1992, the majority of whom were tortured while in detention. State violence during apartheid permeated every aspect of non-white South Africans' lives, from the direct brutality of illegal detention and torture to the daily injustices of separate public facilities, pass laws, and the prohibition of interracial marriages. Despite the violence of the apartheid regime, the anti-apartheid movement was remarkably nonviolent, partially as a result of the influence of the religious community. Significantly, the termination of the apartheid system in the early 1990s was negotiated rather than imposed by violent revolution.

During apartheid the suppression of opposition political parties and the incarceration of major black politicians left a void that the South African Council of Churches and some church-related voluntary organizations tried to fill. Nevertheless, the influential *Kairos Document*, published in 1986 by a group of progressive black church leaders, attacked the role of the religious community, particularly what it termed "church theology," claiming it espoused a doctrine of "cheap reconciliation." The *Kairos Document* argued that reconciliation could only follow white repentance and a clear commitment to fundamental change. "In our situation in South Africa today it would be totally unChristian to plead for reconciliation and peace before the present injustices have been removed.... No reconciliation is possible in South Africa without justice."[3]

Nevertheless, on the eve of the political transition when political compromise seemed elusive, the religious community, including black religious leaders, helped to broker the settlement and establish the Truth and Reconciliation Commission (TRC). It is widely believed among South African political and religious leaders that the establishment of national unity and reconciliation is predicated on providing "as complete a picture as possible of the causes, nature,

[3] Conclusion (follows Article 251), *Interim Constitution of the Republic of South Africa*, Act 200 of 1993; assented to 25 January 1994; day of commencement: 27 April 1994.

and extent of the gross violations of human rights" during apartheid.[5] The South African Council of Churches characterized the TRC as "an extraordinary act of generosity by a people who only insist that the truth, the whole truth and nothing but the truth be told." It anticipated that through the TRC "The space is thereby created where the deeper process of forgiveness, confession, repentance, reparation, and reconciliation can take place."[6]

Consistent with this support, religious thinkers and clergy played major roles in the TRC (Chairman, Deputy Chairman, four other Commissioners, and the Director of Research). And given the powerful presence of Archbishop Desmond Tutu, the Chair of the TRC, some of its public hearings had a decidedly religious character. Commentators have pointed out that the hearings resembled a church service more than a judiciary proceeding, with a definite "liturgical character," and that the Archbishop clearly operated within a religious framework.[7] The Christian atmosphere and discourse of the TRC, and particularly Archbishop Tutu's frequent framing of issues in terms of repentance and forgiveness, was applauded by many South Africans, for whom Christian ideals served as an ethical critique of apartheid, but it was distasteful to others. The latter category included both secular academics and some victims who complained about "the imposition of a Christian morality of forgiveness."[8]

Forgetting and Remembering

A central thesis of this paper is that establishing a shared truth that documents the causes, nature, and extent of severe and gross human rights abuses and/or collective violence under antecedent regimes is a prerequisite for achieving accountability, meaningful reconciliation, and a foundation for a common future. Some analysts, however, propose the contrary, namely that the

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[4] *The Kairos Document: Challenge to the Churches*, rev. 2nd ed. (Johannesburg: ICT, 1986), art. 3. 1.9.
[5] Preamble, "Promotion of National Unity and Reconciliation Act," 1995, Republic of South Africa, *Government Gazette*, vol.361, No.16579.
[6] "The Truth Will Set You Free" (Johannesburg: South African Council of Churches, 1995).
[7] John de Gruchy, "Redeeming the Past in South Africa: The Power of Truth, Forgiveness, and Hope in the Pursuit of Justice and Reconciliation," a paper presented at Deutscher Evangelischer Kirchentag, Leipzig, Germany, June 1997.
[8] Lyn S. Graybill, "South Africa's Truth and Reconciliation Commission: Ethical and Theological Perspectives," unpublished paper, 1997.

most appropriate way for deeply divided societies to overcome estrangement is to draw a curtain and engage in a strategy of communal forgetfulness about the past. This latter approach assumes two things with which I would take issue - that it is feasible to found a future on an unresolved past and that to remember is necessarily to nurse grievances and seek vengeance for the atrocities and violence experienced by individuals and communities. Countering this approach, this paper argues that forgiveness and reconciliation depend on dealing with the past, not attempting to repress it. That said, it is important to emphasize that the process by which a divided society comes to a shared truth about the past is critical, as well as how it applies that information to pursue accountability and justice.

A recently published book by Martha Minow, a professor of law at Harvard University, characterizes the dilemma before transitional societies as seeking a path between vengeance and forgiveness, between too much memory and too much forgetting.[9] According to Minow, too much memory enshrines grievances. It anchors individuals and whole social groups in the past, condemns them to live and relive traumas, and nurtures resentments that can explode into violence. Too little memory precludes victims from achieving healing and societies from moving toward some form of justice. She poses forgiveness and vengeance as alternative responses to collective violence or mass atrocity: "to forgive is to let go of vengeance; to avenge is to resist forgiving."[10]

Forgetting is not an option either for victims of serious human rights abuses or for communities that have experienced collective traumas. Suppressed memories have a way of resurfacing, often dangerously and destructively. For many societies the unresolved past remains ever present. Centuries after the Battle of Kosovo in 1389 the Serbs continue to relive and reexperience their defeat, nursing their grievances, almost as if the conflict just took place. Reflecting on the situation in the former Yugoslavia, Michael Ignatieff comments that,

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[9] Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998).
[10] Minow, *Between Vengeance and Forgiveness*, 21.

> What seems apparent in the former Yugoslavia is that the past continues to torment because it is not the past. These places are not living in a serial order of time but in a simultaneous one, in which the past and present are a continuous, agglutinated mass of fantasies, distortions, myths, and lies. Reporters in the Balkan wars often observed that when they were told atrocity stories they were occasionally uncertain whether these stories had occurred yesterday or in 1941, or in 1841, or 1441.[11]

An unresolved Serbian past made the Balkans a powder keg looking for a spark. Ignatieff characterizes the situation as "the dreamtime of vengeance." According to Ignatieff, "crimes can never safely be fixed in the historical past; they remain locked in the eternal present, crying out for vengeance."[12]

Contrary to popular misconceptions, forgiveness does not imply forgetfulness. To forgive is not to forget. Donald Shriver, the President Emeritus of Union Theological Seminary, points out in *Forgiveness of Enemies* that "remember and forgive" would be more accurate. "Forgiveness begins with a remembering and a moral judgment of wrong, injustice, and injury....Absent a preliminary agreement between two or more parties that there is something from the past to be forgiven, forgiveness stalls at the starting gate."[13] Shriver therefore concludes that the development of a consensus about the wrongs mutually inflicted is therefore a prerequisite for the process of forgiveness between two antagonistic groups.[14]

Reconciliation and relationship building require what the German theologian Geiko Muller-Fahrenholz terms "deep remembering."[15] He uses this term to distinguish the process from the "selective remembering," far more typical of divided societies, that considers history from the perspective of only one side. This one-sided version of history considers victories without contemplating the guilt involved and views defeats solely in terms of unjust

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[11] Michael Ignatieff, quoted in Minow, *Between Vengeance and Forgiveness*, 13-14.
[12] Ignatieff, quoted in Minow, *Between Vengeance and Forgiveness*, 14.
[13] Donald W. Shriver, Jr., *An Ethic for Enemies: Forgiveness in Politics* (New York and Oxford: Oxford University Press, 1995), 7.
[14] Shriver, *An Ethic for Enemies*, 7.
[15] Geiko Muller-Fahrenholz, *The Art of Forgiveness: Theological reflections on Healing and Reconciliation* (Geneva: WCC Publications, 1997), 49-59.

victimization.[16] In contrast, "deep remembering" requires a more synoptic multi-sided vision. By viewing history from the perspective of the underside, it uncovers denial and oppression, the role and suffering of the common person behind the leadership, the anguish and bitterness of the past. It encourages groups to face up to deep-seated memories of guilt and hurt, culpability and suffering as a basis for healing and working toward a united society.[17] "The art of remembering is not an exercise in looking backwards but an effort to transfigure past pains in order to construct vital and forward-looking societies."[18] Thought of in this way, deep remembering becomes an intrinsic dimension of forgiveness.[19]

The theologian Marjorie Hewitt Suchocki similarly emphasizes remembrance as a prerequisite for forgiveness and for transcending the chain of violence. Suchocki conceptualizes forgiveness as "willing the well-being of victim(s) and violator(s) in the context of the fullest possible knowledge of the nature of the violation."[20] To forget and then forgive, according to Suchocki, would turn forgiveness into mere sentimentality. Given the specificity of acts of violence, a generic form of forgiveness is meaningless.[21] Remembrance of sin in the context of forgiveness differs quite markedly from remembrance in the context of vengeance.

> The critical difference is the will toward well-being or ill-being. In the case of forgiveness, one remembers in order to transform; in the case of vengeance, one remembers in order to destroy. Transformation involves hope for a new future, whereas destruction perpetuates the violence of the past, seeking to change only the roles of victim and violator. Memory is involved in the mode of transcendence in the one case and in the mode of imprisonment in the other.[22]

As Suchocki points out, the critical issue is not so much whether there is too much or too little memory, but the nature of that memory, whether it divides or points forward to a new future. This then takes us to the role of and possibilities for reconciliation and its relationship with

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[16] Muller-Fahrenholz, *The Art of Forgiveness*, 47-48.
[17] Muller-Fahrenholz, *The Art of Forgiveness*, 49-59.
[18] Muller-Fahrenholz, *The Art of Forgiveness*, 59.
[19] Muller-Fahrenholz, *The Art of Forgiveness*, 48.
[20] Marjorie Hewitt Suchocki, *The Fall to Violence: Original Sin in Relational Theology* (New York: The Continuum Publishing Company, 1994), 144.
[21] Suchocki, *The Fall to Violence*, 150.
[22] Suchocki, *The Fall to Violence*, 151.

forgiveness, particularly collective or political forgiveness. Forgiveness, as extolled by Christianity and several other religions, establishes a new relationship between former enemies based on a common humanity. But are traditional theological conceptions of forgiveness relevant to contemporary societies confronting the traumas of collective violence? What are the similarities and differences between forgiveness as a relationship between individuals and social processes of forgiveness and reconciliation between groups or communities? And what kinds of mechanisms are most conducive to fostering forgiveness and social reconciliation?

Truth, Justice, and the Role of Truth Commissions

The human rights community has been a strong advocate for the position that there should be no impunity for the perpetrators of massive or gross human rights abuses. In the wake of the Holocaust, the international community developed a series of international human rights instruments that recognize the inherent dignity of all persons and vest each member of society with universal human rights and freedoms. Countries that subscribe to specific conventions by ratifying or acceding to them become states parties legally bound by their provisions and with duties to implement them. Several of these human rights treaties are particularly relevant to the issues discussed in this paper. The Convention on the Prevention and Punishment of the Crime of Genocide assigns responsibilities to contracting parties to prevent genocide, provides penalties for persons guilty of the crime of genocide, and calls for persons charged with genocide to be tried by a national or international tribunal.[23] The International Covenant on Civil and Political Rights enumerates the inherent right to life; the right not to be subjected to torture or to cruel, inhuman, or degrading treatment or punishment; and the right to liberty and security of person.[24]

[23] *Convention on the Prevention and Punishment of the Crime of Genocide*, Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A(III) of 9 December 1948: entry into force on 12 January 1951.

[24] *International Covenant on Civil and Political Rights*, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966; entry into force on 23 March 1976.

However, it is often very difficult to impose accountability for serious human rights violations. Even in the case of Nazi war crimes, fewer than 6,500 of the 90,000 cases brought to court resulted in convictions.[25] For an international court to assume jurisdiction, the offenders have to be arrested and brought to the locale of the court, something that the International Tribunal for the former Yugoslavia has had problems doing. Few transitional countries have the strong legal institutions and resources required for a successful domestic prosecution. Many of the civil servants, prosecutors, and judges serving the new government may themselves have been complicit in abuses perpetrated by the previous regime, or at least sympathetic to its philosophy. Critical evidence and records are likely to be missing or destroyed. South Africa's unsuccessful effort to convict General Magnus Malan, army chief and later defense minister, for authorizing an assassination squad responsible for the deaths of women and children, shows how very difficult it is to gather sufficiently detailed and reliable evidence to prosecute offenders. Given the scale of the collective violence in places like Cambodia, Bosnia, and Rwanda, it is just not feasible to prosecute all the alleged offenders, and any effort to do so is likely to have thousands of persons languishing in detention for very long period of time. Moreover, many countries have had to accept an amnesty for the leaders of the previous regime as a precondition for a political transition. Even when there is not a formal amnesty, the continuing political influence of the military and former political leaders often precludes the new government from bringing them to justice or keeping them imprisoned.

Despite the difficulty of doing so, many human rights advocates, as well as former victims, still argue that under international law a state is obliged to respond to massive and systematic violations of the most basic rights to life, liberty, and physical integrity by investigating, prosecuting, and punishing the perpetrators. Juan Mendez, the Executive Director of the Inter-American Institute on Human Rights and a former staff member of Human Rights Watch, disputes the view that democratic leaders should focus on truth finding and forgo attempts to

[25] Muller-Fahrenholz, *The Art of Forgiveness*, ix.

restore justice by way of criminal prosecutions.[26] He argues that societies must punish acts of torture, murder, and disappearance out of respect for the norms that prohibit such conduct and to contribute to deterrence. He also claims that prosecutions are the most effective means of separating collective guilt from individual guilt, and removing the stigma of historic misdeed from innocent members of communities that otherwise will be collectively blamed for atrocities.[27] Further, he contests the view that prosecutions are inherently inimical to peace and reconciliation.[28]

Mendez puts forward a view that under international law a state is obliged to carry out a number of tasks in response to crimes against humanity. These are to investigate, prosecute, and punish the perpetrators; to disclose to the victims, their families, and society all that can be reliably established about those events; to offer the victims adequate reparations; and to prevent known perpetrators from serving in law enforcement bodies and assuming other positions of authority.[29] According to Mendez, these obligations on the part of the state correspond to a set of rights owed to individual and collective persons. He enumerates these as follows: a right of the victim to see justice done; a right to know the truth; an entitlement to compensation and also to nonmonetary forms of restitution; and a right to new, reorganized, and accountable institutions.[30]

In their struggle to come to terms with a history of massive human rights crimes, at least fourteen countries have set up truth commissions or equivalent bodies,[31] and some have had more than one. Truth commissions are temporary bodies set up to investigate a past history of human rights violations in a country during a specified period of time. In contrast with tribunals or courts, truth commissions do not have prosecutorial powers to bring cases to trial. Nor do they act as judicial bodies to investigate individuals accused of crimes. Their role is truth-finding, or

[26] Juan E. Mendez, "Accountability for Past Abuses," *Human Rights Quarterly* 19 (1997): 255-282.
[27] Mendez, "Accountability for Past Abuses," 275-278.
[28] Mendez, "Accountability for Past Abuses," 273-275.
[29] Mendez, "Accountability for Past Abuses," 256.
[30] Mendez, "Accountability for Past Abuses," 261.

perhaps more accurately, documenting and acknowledging the truth of past violations as a step toward healing wounds.[32] Most truth commissions are created at a point of political transition in an effort to establish an accurate and fair record of a country's past as a basis for creating a shared future. The hope is that a society can learn from its past in order to lessen the likelihood of a repetition of similar abuses in the future.[33]

Truth commissions can potentially provide a far more comprehensive record of the full scope of violence and human rights offenses than the prosecution of specific individuals, and they can also determine patterns and causes of the violations. Because the purpose of a truth commission is to provide a narrative of a specific period and/or regime, it is far more likely than court trials to yield a historical account of the events in question.[34] If the body is considered to be impartial, fair, and competent, a truth commission's report can offer a basis on which to build a shared history. Official acknowledgement of a record of abuses that verifies the accounts of victims can support the credibility of victims' suffering and help restore their dignity. Identifying perpetrators and their offenses constitutes one form of accountability, particularly if it leads to their exclusion or ineligibility for public office, and if not, at least imposes the punishment of shame. To prevent future violence and promote a culture of respect for law and human rights, some truth commissions offer detailed recommendations. A truth commission can go beyond a court of law and render a moral judgment about what was wrong and unjustifiable, and in that way help "to frame the events in a new national narrative of acknowledgment, accountability, and civic values."[35] In addition, a truth commission is likely to be less divisive to society than trials of former political leaders.

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[31] Truth commissions or something approximating a truth commission have been set up in Uganda, Bolivia, Argentina, Zimbabwe, Germany, the Philippines, Uruguay, Chile, El Salvador, Rwanda, Ethiopia, Haiti, and Guatemala as well as South Africa.
[32] Hayner, "Fifteen Truth Commissions," 607.
[33] Hayner, "Fifteen Truth Commissions," 608-610.
[34] Minow, *Between Vengeance and Forgiveness*, 60.
[35] Minow, *Between Vengeance and Forgiveness*, 78.

Nor is there necessarily a choice between truth and justice. In principle, the work of a truth commission does not preclude additional measures to seek justice. Several truth commissions have named perpetrators, providing at least a symbolic form of justice. Others have submitted relevant evidence to the courts. Moreover, for all the reasons cited above prosecution of offenders, with or without the operation of a truth commission, is frequently not a real option

If a wider view of justice is taken going beyond punishment for crimes, then it can be argued that the operation of a truth commission is compatible with pursuing justice in a variety of ways. Although Mendez disparages the claim that truth is always preferable to justice, he still affirms a right to know. A detailed record that names victims and perpetrators can fulfill this right. By offering reparations, truth commissions can provide a form of restorative justice. Nevertheless, truth commissions also have many limitations and therefore may not provide a full documentation of abuses or provide incontrovertible evidence about the role of the architects of the violence. Truth commissions operate under many of the same constraints that make the prosecution of individuals alleged to have committed crimes so difficult – weak legal institutions, dependence on officials from the previous regime, and political environments that limit their mandates and options. In most circumstances truth commissions also work under tight time and resource limitations. Moreover, the sheer task of attempting to document the past can be overwhelming: during its three years of operation the TRC held several hundred public hearings, conducted some 20,000 victim interviews, and processed approximately 5,000 amnesty applications. Its final report fills five volumes and yet it is still incomplete in many ways. And as postmodernists have amply shown, discovering a social truth, any truth, is a complex and elusive process under the best of circumstance, and truth commissions function in an environment in which there are sharply conflicting and politically freighted views of reality.

Theological Interpretations of Forgiveness

Despite the centrality of forgiveness in Jesus' teachings, there have been relatively few comprehensive theological treatments of the presuppositions and implications of forgiveness or

its relevance to contemporary social issues. Four recent books, each with a very different approach and emphasis, seek to fill this void. L. Gregory Jones' *Embodying Forgiveness: A Theological Analysis*,[36] the most traditional of the four, situates the Christian account of forgiveness in the overarching context of the God who lives in trinitarian relations of peaceable, self-giving communion.[37] He emphasizes that in the face of human sin and evil, God's love is willing to bear the cost of forgiveness in order to restore humanity to communion in God's eschatological kingdom. In response, according to Jones, human beings are called to become holy by developing an ever-deepening friendship with the Triune God and others that is embodied through the "craft of forgiveness." By learning to embody forgiveness, typically at the hands of skilled exemplars, we become part of Christ's body, the Church. Forgiveness for Jones is not so much a word spoken, an action performed, or a feeling felt as a commitment to a way of life and specific practices. The goal is to engage in an ever-deepening process of unlearning sin and learning to live in communion with the Triune God, with one another, and with the whole Creation. He also conceptualizes forgiveness as a sign of the peace of God's original Creation, as well as the promised consummation of the Creation in God's Kingdom. To protect and define the theological context of forgiveness, this work contains a strong critique of the therapeutic mindset or approach and the church's psychological captivity in western culture.[38] Taking Dietrich Bonhoeffer as his starting point, Jones rails against expectations of "cheap grace" and emphasizes the costliness of forgiveness."[39] Nevertheless, he also argues that repentance can contribute to, but is not a prerequisite for, forgiveness.[40]

Marjorie Suchocki offers a very different approach in her 1995 work entitled *The Fall to Violence*. In this book, Suchocki develops an understanding of violence, "original sin," and

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[36] L. Gregory Jones, *Embodying Forgiveness: A Theological Analysis*, (Grand Rapids: William B. Eerdmans Publishing Company, 1995).
[37] The introduction provides a good summary of Jones' views, approach, and frame of reference. See *Embodying Forgiveness*, xi-xvii.
[38] Jones, *Embodying Forgiveness*, 35-70.
[39] Jones, *Embodying Forgiveness*, 3-33.

forgiveness in the context of a relational process theology that has a social as well as personal dimension.[41] According to Suchocki, both sin, the violence of rebellion against creation and therefore God,[42] and forgiveness, "willing the well-being of victim(s) and violator(s) in the context of the fullest possible knowledge of the nature of the violation,"[43] are social in nature. Forgiveness in the forms in the transcendence has three essential elements for her: memory, empathy, and imagination. The importance of memory is embedded in her very definition of forgiveness. Empathy assumes that to forgive is to accept the other, not necessarily to have warm feelings or emotions for him or her. Forgiveness for Suchocki is fundamentally a matter of intellect, an act of will and self-transcendence that accepts the violator as a subjective other in relation to the self and recognizes that the well-being of the self is interrelated with the well-being of the wider community constituted as the world.[44] Suchocki points out that violence does not end with an act(s); it insinuates itself into the ongoing experience of the victim to be relived time and again with the result that the violator remains psychically present to the victim. According to Suchocki, the victim can break through the internal effects of violence only by willing forgiveness in the context of the fullest possible recognition of the sin and therefore of the character of the violator.[45] Because Suchocki understands sin as embedded in social structures that invariably influence the consciousness and conscience of participants, she defines social forgiveness as "the ability of those bonded together within a subgroup not only to examine the larger structures, but to influence the ever-fluid continuing formation of those structures."[46] In this matrix, she characterizes God as the fullness of truth, love, and beauty, in which memory,

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[40] Jones, *Embodying Forgiveness*, 158-159.
[41] Suchoki, *The Fall to Violence*, 154.
[42] Suchocki, The Fall to Violence, 16.
[43] Suchocki, *The Fall to Violence*, 133.
[44] Suchocki, *The Fall to Violence*, 147.
[45] Suchocki, *The Fall to Violence*, 147-151.
[46] Suchocki, *The Fall to Violence*, 155.

empathy, and imagination, the elements that make for forgiveness, merge and are carried to maximal form.[47]

Geiko Muller-Fahrenholz's *The Art of Forgiveness: Theological Reflections on Healing and Reconciliation*, written as a reflection on the horrible legacy of the Holocaust by a German too young to have conscious memories of the Hitler period, offers a conception of forgiveness that focuses primarily on the broader social or political level. Based on his biblical analysis, Muller-Fahrenholz's understanding of forgiveness has at its core a mutuality in which the perpetrator asks for forgiveness, the victim grants it, and both sides are changed by this encounter.[48] He understands forgiveness as entailing liberation from the bondage of the past. "It corrects the distortion which an act of evil establishes between two people or groups – the distortion of stolen power and enforced impotence" and simultaneously an act of grace restores the dignity of both sides.[49] To attempt to make amends through acts of restitution is important, but he also realizes that it is not possible to restore the status quo ante. Thus, he emphasizes that efforts not focus on repairing the past but instead on covenanting for a better way forward.[50]

Donald Shriver's *An Ethic for Enemies: Forgiveness in Politics*, as its subtitle announces, takes forgiveness out of its traditional exclusive association with personal religion and morality and places it within the secular political arena. I believe that Shriver's multidimensional model of political forgiveness has particular relevance to the issues discussed in this paper. It has four elements: moral truth, forbearance, empathy, and a commitment to repair a fractured human relationship. His views on moral truth as a starting point for forgiveness, discussed above, approximate my own emphasis on the need for a shared truth about the past as a prerequisite for achieving accountability, meaningful reconciliation, and the framework for a common future. Shriver's second dimension of political forgiveness is forbearance from seeking vengeance. As

[47] Suckocki, *The Fall to Violence*, 158.
[48] Muller-Fahrenholz, *The Art of Forgiveness*, 4-5.
[49] Muller-Fahrenholz, *The Art of Forgiveness*, 28.
[50] Muller-Fahrenholz, *The Art of Forgiveness*, 29.

Shriver comments, forgiveness in principle does not require the abandonment of punishment of evildoers, although it may do so in practice, but it does necessitate abandonment of vengeance.[51] His conception of empathy has many elements of similarity to that of Marjorie Suchocki. According to Shriver, empathy, as contrasted with sympathy, requires an element of understanding. It demands the acknowledgement of a former enemy's humanity, even in the commission of dehumanizing deeds. Forgiveness also implies some form of coexistence, some expression of willingness to repair the fractures of enmity as the basis of forming a new shared political community.[52] Conceptualizing forgiveness as an intertwined four-strand cable, Shriver posits that each dimension assumes and depends on the others, and at any one time may have greater prominence in the construction of a new relationship.[53]

Conceptions of Reconciliation

Reconciliation may be defined as a process of developing mutual accommodation between antagonistic or formerly antagonistic persons or groups so as to establish a new relationship predicated on a common shared future. As such, it is a central dimension of the transition from a deeply divided past to a new society in which former adversaries live together. Clearly reconciliation has many affinities with Donald Shriver's concept of political forgiveness, but as conceptualized here there are also differences. Forgiveness, at least on a personal level, tends to be an act whereas reconciliation is a long-term process. Forgiveness can be unilateral, but reconciliation is always mutual.[54] Ideally, reconciliation combines elements of political forgiveness with justice. Also as Muller-Fahrenholz points out, reconciliation suggests processes of healing and restoration that correct unjust or distorted situations.[55] Forgiveness, even political

[51] Shriver, *An Ethic for Enemies*, 7-8.
[52] Shriver, *An Ethic for Enemies*, 8-9.
[53] Shriver, *An Ethic for Enemies*, 9.
[54] Walter Wink, *When the Powers Fall: Reconciliation in the Healing of Nations* (Minneapolis: Fortress Press, 1998), 14.
[55] Muller-Fahrenholz, *The Art of Forgiveness*, 3-4.

forgiveness, does not necessarily include structural approaches to correct injustice. Reconciliation additionally has more of a future-orientation than forgiveness.

Reconciliation may be understood as a social and political process with religious and theological dimensions. Significantly, there is considerable overlap between the understandings of reconciliation conveyed by some religious thinkers, for example the work of Donald Shriver and Walter Wink's *When the Powers Fall: Reconciliation in the Healing of Nations*,[56] and the requirements for reconciliation identified by two contemporary secular researchers, Louis Kriesberg[57] and John Paul Lederach.[58] In Scripture, reconciliation is primarily a theological rather than a social concept, a term to describe God's supreme act of reconciling humankind and the creation to God's self.[59] Social and political dimensions of reconciliation point to a new life in a common future.

For the ethicist William Johnson Everett reconciliation arises within the horizon of an eschatology that not only repairs the past but also negotiates a new future. He notes that the possibility of shaping a new future assumes the classic religious virtues of hope and faith and a further hope in the renewal and recreation of the earth to accomplish God's creative purposes. According to Everett, reconciliation also requires a type of love that respects the co-humanity of the other. Everett helpfully compares reconciliation with religious traditions of covenant-making as a means of binding people together in a common life. And like the biblical covenant in Exodus, reconciliation leads to the formation of a new or recreated public or people. For this reason, Everett explains, a covenantal approach to reconciliation always involves peoples and

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[56] Wink, *When the Powers Fall: Reconciliation in the Healing of Nations*.
[57] Louis Kriesberg, "Paths to Varieties of Inter-Communal Reconciliation," unpublished paper, Syracuse University, 1997.
[58] John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: U.S. Institute of Peace, 1997).
[59] Muller-Fahrenholz, *The Art of Forgiveness*, 4.

nations, not individuals, reconstructing a common life together based on promises about the future.[60]

Building on the works of these thinkers, I believe that there are six requirements for reconciliation. The discernment of the truth about the dimensions, causes, and perpetrators of the conflict, violence, and abuses in the past, preferably by a body with official status, is the first of these requirements. For a society recovering from the trauma of state violence, "Truth is medicine. Without it, a society remains infected with past evils that will inevitably break out in the future."[61] As Archbishop Tutu reflected in the foreword to the TRC's five volume report, "Reconciliation is not about being cosy; it is not about pretending that things were other than they were. Reconciliation based on falsehood, on not facing up to reality, is not true reconciliation and will not last."[62] And what if it is not possible to establish or disseminate the complete truth because the threat posed by the old regime and its forces prevents full disclosure? Then as much should be revealed as possible. Similarly if the government is too weak, too complicit, or too incompetent to engage in a process of truth finding, then it can fall to a coalition of human rights organizations or religious bodies.[63] To be meaningful and to facilitate acknowledgement, the reporting of the findings about the past needs to be communicated in a form that is accessible and available to broad cross-sections of the population.

Second, there is a need for open and shared acknowledgement of the injuries suffered and the losses experienced. "It is one thing to know, it is yet a very different social phenomenon to acknowledge. Acknowledgment through hearing one another's stories validates experience and feelings and represents the first step toward restoration of the person and the relationship."[64] Without acknowledgement on the part of victims that a truth commission or tribunal has

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[60] William Johnson Everett, "Reconciliation as New Covenant, New Public,' unpublished paper shared with this author.
[61] Wink, *When the Powers Fall*, 53.
[62] Archbishop Desmond Tutu, "Chairperson's Foreword," Truth and Reconciliation Commission of South Africa Report, Vol. One (Cape Town: CTP Book Printers Ltd. For he Truth and Reconciliation Commission, 1998), 17.

accurately reflected their experience, the truth-finding will remain an academic report and not a living social and political truth. Without recognition of the abuses of the past by those who have been perpetrators and beneficiaries, truth-finding will also fail to provide the basis for the shaping of a common past. The effort to come to terms with the past further requires acknowledgement of moral responsibility by those who inflicted the harm and those who were complicit by their silence and failure to oppose the wrongdoing. Acknowledgement should also include an expression of contrition.

A willingness to let go of the past is a third dimension of reconciliation. Like Shriver, I believe that victims' willingness to forbear from seeking vengeance is an important element. In addition, participants on all sides need to make a commitment to a future that is not shaped by the events of the past. As part of this process, those who suffered the harm should acknowledge the humanity of those who have committed the injury. This may entail the communication of mercy and forgiveness, but more likely will involve differentiating perpetrators from their community and acknowledging that the majority of members did not personally and directly carry out harmful actions.[65]

Fourth, justice is an important dimension of reconciliation. That said, it is important to recognize that there are many different forms of justice. Restorative justice seeks to repair an injustice, to compensate for it, and to effect corrective changes in relationships and in future behavior.[66] As such, it requires providing some measure of redress for the injustices and pain endured. The redress may be in the form of financial compensation, direct provision of assistance, and/or more symbolic approaches to reparations. One of the TRC's innovations was to link the verification of victim status to the receipt of financial reparations from the state. The TRC also made recommendations on collective reparations in the form of monuments named for

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[63] Wink, *When the Powers Fall*, 53.
[64] Lederach, *Building Peace*, 26.
[65] Kriesberg, "Paths to Varieties of Inter-Communal Reconciliation."
[66] Minow, *Between Vengeance and Forgiveness*, 91.

victims and stipends for medical and therapeutic treatments. Criminal justice involves the investigation, prosecution, and punishment of the leading architects and executors of serious abuses, but for reasons discussed above it may not be feasible to do so. In the long-term restorative justice may be as important, perhaps more important, to reconciliation as criminal justice.

Fifth, adversaries need to make a commitment to repairing and reestablishing their relationship. This process can be facilitated by victims' willingness to forgive those responsible for harming them. It may be possible though to promote social healing and accommodation even in the absence of forgiveness at a personal level. At the least there needs to be a willingness to achieve some form of co-existence, [67]and perhaps in the future co-existence can deepen into greater sharing and a more meaningful form of a relationship.

Sixth, members of the communities should explicitly establish the terms of a new and common future. This requires an opportunity to look forward and establish a new social and political covenant. Many transitional societies seek to do so through the formulation of a new constitution. This is certainly an important step, but insufficient by itself to create and sustain the network of understandings and relationships necessary to shape and sustain a shared future. To do so, it is also important to make a commitment to implement the recommendations of truth commissions and other bodies seeking to rectify and overcome the tensions and problems that led to the violence and abuses in the past. A new society also requires the ability to set goals and formulate policies that are supported across social groupings and communities. In societies with a legacy of inequalities, a future that overcomes the legacy of the past will need to begin the process of economic and social restructuring so as to achieve greater equity.

Truth and Reconciliation in South Africa

Truth commissions have been little studied or evaluated. Because South Africa's experience is so often cited as a model, even idealized by many foreign commentators, it is

particularly important to study. Yet it is very premature to evaluate its contribution to truth and national reconciliation. Although the TRC submitted its final report to President Nelson Mandela in October 1998, its amnesty and reparations committees are not expected to complete their work until the middle or end of 1999. Moreover, because the acknowledgement of a shared truth and the achievement of reconciliation are both long-term processes, it will take several years to assess the legacy of the TRC.[68]

Precisely because the TRC is being looked to as a model for transitional societies, it is important to note that it was the product of a negotiated settlement and not a careful effort to craft a process that balanced truth seeking, justice, and reconciliation. The governing National Party insisted on a guarantee of amnesty for acts, omissions, and offenses associated with apartheid's political objectives as a precondition for a democratic transition. To this end, the post-amble to the South African Constitution contains an amnesty clause as well as the acknowledgment that "there is a need for understanding but not vengeance, a need for reparation but not for retaliation, a need for *ubuntu* (tolerance or reconciliation) but not victimization."[69] After the 1994 elections, the new Minister of Justice, Dullah Omar, accepted the responsibility for enacting legislation to provide mechanisms and criteria for the granting of amnesty, but he was quite rightly concerned that such an amnesty process would protect the interests of perpetrators at the expense of justice for their victims. Supported by vocal and well organized human rights organizations, he argued successfully that for South Africa to come to terms with its past and establish a society based on respect for human rights required disclosure of the nature of the crimes perpetrated under

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[67] Shriver, *An Ethic for Enemies*, 8-9.

[68] The AAAS Science and Human Rights Program which I direct has just embarked on an ambitious three year effort to evaluate the impact of the TRC in collaboration with several South African organizations and scholars.

[69] Section 251, Constitution for the Republic of South Africa, Act No. 200 of 1993.

apartheid. The TRC emerged as a creative response to the need to restore moral balance by linking the provision of amnesty to perpetrators to the recovery of truth.[70]

The mandate assigned to the TRC was to study "gross violations of human rights" committed with political motives during the period from 1 March 1960 through the elections in May 1994. In contrast with the major truth commissions that preceded it – in Chile, El Salvador, Haiti, and most recently Guatemala – the TRC was mandated to go beyond truth finding and "to promote national unity and reconciliation in a spirit of understanding which transcends the conflict and divisions of the past."[71] The TRC also incorporated several other innovative features, the most controversial of which is its amnesty provisions. The TRC was required to grant amnesty to perpetrators who fully disclosed their acts if the applicant's acts were committed with a political motive. Unlike other truth commissions, the TRC was empowered to make recommendations about reparations for victims.

Truth-finding: Did the TRC succeed in developing a history of the past as the basis for a shared future? In pursuing its task, the TRC collected more than 21,000 victim testimonies, held several hundred public hearings, and received 5,000 amnesty applications. Yet despite the mountain of evidence it collected – and only partially analyzed in its five volume report - the "truth" as reconstructed and presented by the TRC is incomplete and disappointing in a number of respects. The first limitation reflects its mandate to study "gross violations of human rights" – killings, torture, disappearances, and severe physical injury. As a consequence, the TRC did not document or assess the impact of the institutionalized racism of the apartheid system. It can be argued that the profound denial of the human dignity and life opportunities of the majority of the population over the course of a half century was a far more significant an affront to human rights than the gross violations on which the TRC focussed.

[70] Graeme Simpson, "South Africa's Truth and Reconciliation Commission: Some Lessons for Societies in Transition," draft paper shared with this author.
[71] Preamble, "Promotion of National Unity and Reconciliation Act."

But there were other factors as well. To win support from the supporters of the apartheid system, as well as to establish its credibility and legitimacy, the TRC resisted "assertive" opportunities to acquire information. The Commissioners and investigators seemed reluctant to use their considerable powers of search, seizure, and subpoena. In public hearings, the Commissioners generally refrained from anything resembling aggressive questioning of witnesses. Too optimistically, the TRC assumed that the amnesty provisions would motivate perpetrators to come forward voluntarily. Top civil servants, many of whom still hold important positions under the terms of the political settlement, apparently destroyed much of the incriminating evidence. And perhaps as a reflection of the data available to it, the final report is disappointingly unable to draw conclusions about the complicity of top political leaders in apartheid era abuses.

A major question in developing a shared history is whether the report reaches its intended audience. The TRC largely opted for a narrative rather than a legal or an analytical approach to truth. It placed primary emphasis on sponsoring several hundred public hearings, many of which were held in communities throughout the country. Reflecting its victim orientation, many of the public hearings conducted by its human rights committee had the character of pastoral counseling sessions, seemingly more concerned with affirming former victims than in eliciting testimony or verifying facts. This approach enabled the TRC to pierce through the former "culture of silence" and reveal new perspectives or new versions of events, but it did not produce an "objective truth" that all could accept as a true reflection of the past.[72] The desire to allow victims to tell their stories came at the expense of providing the intellectual scaffolding for an objective and substantive account of past history. Even the final TRC report is more a narrative and anecdotal account rather than an in-depth analytical effort to characterize the abuses of the apartheid era, draw conclusions, and make recommendations about the future.

This approach had advantages as well as disadvantages. One of the benefits to this emphasis on public hearings is that they received extensive media coverage. The searing record of abuses that was revealed conferred credibility and dignity to scores of former victims and their relatives, finally giving them a voice to reach out to a wider public. As the process went on, it became very difficult for the majority of white South Africans to deny the injustices and suffering imposed by the former regime. Graeme Simpson, Director of the Center for the Study of Violence and Reconciliation in Johannesburg, points to the social impact of this process of public testimony as the greatest achievement of the TRC. He believes it will have a pervasive influence on South African society in the years to come.[73]

Acknowledgement: The amnesty process is clearly the major inadequacy in the South African model. Political forgiveness and reconciliation require that those who were complicit in apartheid acknowledge their responsibility for injustices in the past and make a commitment to different standards of behavior in the future. However, amnesty was not contingent even on a simple expression of regret. Somewhat ironically, the TRC process, at least those public hearings in which the Archbishop presided, placed more emphasis on eliciting forgiveness from former victims than in securing acknowledgement of wrong doing or apologies from perpetrators. Nor did the Commission make an explicit effort to outreach to the white South Africans who were the beneficiaries of the apartheid system and at least minimally complicit in its injustices. Unsurprisingly many black South Africans have been critical of the amnesty provisions and relatives of several prominent victims also challenged – unsuccessfully - its constitutionality.

A rationale for the provision to grant amnesty to perpetrators of abuses in return for full disclosure was that the TRC would gain the cooperation of key members of the former regime and access to critical information. Despite its efforts, the TRC never received the support it

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[72] Hugo van der Merwe makes this point in his analysis of a TRC hearing conducted in Duduza in "The South African Truth and Reconciliation Commission and Community Reconciliation," Johannesburg, Centre for the Study of Violence and Reconciliation, 1998, 4. I think it can be generalized.
[73] Simpson, "South Africa's Truth and Reconciliation Commission.

sought from the former regime or for that matter from the current government. Very few of the former apartheid leaders came forward to take advantage of the offer of amnesty for full disclosure provisions. Submissions from prominent past politicians and representatives of institutions of the former state were generally disappointing. The two living former presidents, F.W. de Klerk and P.W. Botha, refused to cooperate with the TRC and sought to characterize its proceedings as fundamentally biased. The flood of applications for amnesty before the deadline for submissions came primarily from middle and lower level functionaries responding to the successful prosecution of Eugene de Kock. De Kock, considered to be one of the arch-villains of the apartheid era, decided to break the code of silence by providing extensive information about state operatives involved in gross human rights abuses.[74] The TRC's own assessment is as follows:

> It is the view of the Truth and Reconciliation Commission (the Commission) that the spirit of generosity and reconciliation enshrined in the founding Act was not matched by those at whom it was mainly directed. Despite amnesty provisions extending to criminal and civil charges, the white community often seemed either indifferent or plainly hostile to the work of the Commission, and certain media appear to have actively sought to sustain this indifference and hostility. With rare individual exceptions, the response of the former state, its leaders, institutions and the predominant organs of civil society of that era, was to hedge and obfuscate. Few grasped the olive branch of full disclosure.[75]

Nor did the TRC receive the kind of support that might have been anticipated from the African National Congress. Although the ANC national leadership took collective responsibility for the human rights violations of its members, this attitude did not translate into individual leaders' acceptance of responsibility or willingness to cooperate with the TRC. The Commission received few statements from ANC leaders, past or present. On the eve of the submission of the TRC's report, the ANC, as well as former President de Klerk, sued to prevent publication of its findings. In the years to come, these challenges may establish the impartiality of the TRC and enhance its credibility. In the short term, however, it may deter partisans on both sides from accepting its findings and recommendations.

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[74] Simpson, "South Africa's Truth and Reconciliation Commission."

Justice: Widespread support for the TRC was initially contingent on commitment to a restorative approach to justice that would repair past injustices through the provision of both truth and reparations. The TRC's reparations committee was vested with the responsibility of determining eligibility and making recommendations about monetary payments to former victims, provision of services, and the development of memorials and other symbolic acts of reparation for survivors and their communities. Many victims apparently came forward, some at the cost of at least temporarily aggravating their post traumatic stress, because they assumed that the TRC was offering them an implied deal: "in exchange for providing the TRC with information and letting go their demands that perpetrators be punished, they would receive compensation and the truth about their victimisation would be revealed."[76] Many of those who responded in this manner are apparently disappointed and perceive the TRC as reneging on this implied contract. Not as much truth was revealed as they expected, and at the close of the TRC process the award of reparations was still pending.[77] Unfortunately, while former perpetrators who qualified were granted amnesty immediately, a lack of resources has made the provision of reparations to victims much more complicated. And it seems unlikely that the government will find the means to implement the TRC's recommendations regarding reparations for victims. There is the danger that this situation will lead to political disillusionment, even alienation.

The TRC report recommends that where amnesty has not been sought or was denied and where evidence exists that an individual has committed a gross human rights violation, prosecution should be considered.[78] Members of the TRC were apparently divided on how vigorously to pursue prosecutions, with Archbishop Tutu advocating not going ahead and others supporting the prosecution of at least some of the key perpetrators. The rather minimal nature of

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[75] "Findings and Conclusions, 196.
[76] Hugo van der Merwe, "The South African Truth and Reconciliation Commission and Community Reconciliation," Johannesburg: The Centre for the Study of Violence and Reconciliation," 1998, 10.
[77] It should be noted that the van der Merwe paper from which this comment is drawn is a community study, but I think its observations apply more broadly.

the investigations conducted by the TRC, however, may make it quite difficult to prosecute those responsible for serious apartheid abuses. As noted, the trial of General Malan, the apartheid army chief and later defense minister, did not result in a conviction.

Commitment to repairing and reestablishing a relationship: Many observers, particularly foreigners, have commented on the willingness of many South Africans to forgive those responsible for perpetrating serious abuses during the apartheid period. The unusual ability of ANC leaders to forgo bitterness and vindictiveness about the past has contributed greatly to the democratic transition in South Africa. Foreign reporting on the TRC often focused on emotional scenes at public hearings in which former victims forgave perpetrators. It is difficult, however, to know whether the anti-apartheid leaders' attitudes about forgiveness and reconciliation are in fact shared broadly and will persist. And it is important to note that many South Africans give far less credence to these ostensible manifestations of forgiveness than do outsiders. Some of those I spoke with believed these events to be more a reflection of Archbishop Tutu's dominating presence than the spontaneous response of victims. Moreover, analysts, including some from the South African human rights community, have argued that victims should not be expected, implicitly or explicitly, to forgive perpetrators. Instead they advocate that the anger of victims and their family members has to be legitimized and space provided for people to express feelings of sadness and rage.[28]

Preliminary research data underscore the complexity of the processes of forgiveness and reconciliation and the difficulties of reaching agreement on the very meaning of reconciliation and its requirements. A series of eleven workshops conducted by the Centre for the Study of Violence and Reconciliation in 1997 and 1998 with a sample of former victims found that participants had a variety of perspectives and views on reconciliation. These were categorized as

[28] "Findings and Conclusions," *Truth and Reconciliation Commission of South Africa Report*, volume five, chapter six (Cape Town: CTP Book Printers for The Truth and Reconciliation Commission, 1998), 309.

follows: (1) reconciliation was largely conditional on truth-telling and perpetrators coming forward to testify to the TRC; (2) despite the amnesty provisions, reconciliation depended on perpetrators being held accountable through the imposition of some form of justice and punishment; (3) reconciliation was understood as a deeply personal experience that must be dealt with individually through a direct encounter between perpetrators and victims; and (4) reconciliation and reparations were integrally linked. The fourth point, "no reconciliation without reparation," was widely shared, often in combination with another approach.[80]

Hugo van der Merwe's study of a community in the East Rand, where the TRC held a one-day human rights violation hearing in 1997, also revealed that residents there hold varying conceptions of reconciliation. While all those interviewed agree that reconciliation is about (re)building a relationship between groups or individuals, the nature or basis of that relationship differs, depending on their respective cultures, particular experience of human rights abuse, position in the political structure, and their personal circumstances. He identifies four separate approaches: (1) reconciliation as moral or religious conversion dependent on reflection, humility, repentance, and forgiveness; (2) reconciliation as promoting inter-cultural understanding across racial, ethnic, and economic divides; (3) reconciliation a building an ideology of non-racialism; and (4) reconciliation as building interdependent community relationships. The dilemma is that sometimes these ideas coexist quite comfortably while at others they compete and demand divergent strategies. A further complication is that many of the residents have developed distrust in the sincerity of persons whose approaches to reconciliation disagree with their own.[81]

Covenanting for a new future: So what conclusions can be drawn at this point about the contributions of the TRC to truth and reconciliation in South Africa? I believe that Graeme

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[79] Brandon Hamber, "How Should We Remember? Issues to consider when establishing commissions and structures for dealing with the past," Johannesburg: Centre for the Study of Violence and Reconciliation, 1998.

[80] The Centre for the Study of Violence and Reconciliation & The Khulumani Support Group, " Survivors' Perceptions of the Truth and Reconciliation Commission and Suggestions for the Final Report," 1998. Submission to the truth and Reconciliation Commission, 1998.

Simpson is quite right that it would be a grave mistake to judge the TRC by the obvious shortcomings of its final report that under the best of circumstances would not be able to reflect the full complexity of the preceding thirty-five years of apartheid history. According to Simpson, the great value of the TRC was its process rather than its end product.[82] Because reconciliation is best understood as a long process and not an event, the TRC should be understood as "a moment of opportunity, rather than sustained mobilisation" toward the goal of reconciliation.[83] The TRC was a beginning, a necessary and significant effort to set the processes of truth finding and reconciliation in motion. In the final analysis though the TRC's legacy may depend as much on future developments in South Africa as on its own contributions to truth and reconciliation. Here it is important to note that, the TRC, like other truth commissions, does not have a continuing role in overseeing implementation of its recommendations, and the government has yet to make a formal commitment to establishing oversight mechanisms to doing so. On the positive side of the wider societal equation, South Africa has held two multi-party democratic elections and functions under a constitution that recognizes fundamental human rights and the rule of law. On the negative side, South Africa does not appear to have the resources or commitment across communities to grapple effectively with the legacy of racism and poverty, let alone to undertake the profound social and economic restructuring necessary to overcome the divisions and inequalities bequeathed by the apartheid past. The very high crime rate in South Africa – South Africa's 1997 murder rate was 52 people per 100,000 compared with a U.S. rate of 6.8 the same year – is also very worrisome, as is the continuing police abuse that accompanies it.[84]

So where does that leave us? I believe that the TRC was a necessary and significant beginning to uncovering and acknowledging the abuses of the past and facilitating reconciliation

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[81] Hugo van der Merwe, "The South African Truth and Reconciliation Commission and Community Reconciliation."
[82] Simpson, "South Africa's Truth and Reconciliation Commission.
[83] Van der Merwe, ""The South African Truth and Reconciliation Commission and Community Reconciliation."
[84] Lynne Duke, "S. African Police Abuse is Televised," *The Washington Post*, April 21, 1999.

in the future. In a commentary on a PBS documentary about the TRC, L. Gregory Jones recommends that careful attention needs to be paid to the formation and education of the next generation of South Africans.[85] Hopefully this will occur and the education for reconciliation and democracy will include a careful analysis of the findings and contributions of the TRC.

[85] L. Gregory Jones, "Truth and Consequences in South Africa: A PBS documentary asks what the Truth and Reconciliation Commission achieved," *Christianity Today*, April 22, 1999, downloaded from http://www.chirstianity.net/ct/9T4/9T4059.htm.