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KISTNER

Reconciliation in Dispute

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SUMMARY: RECONCILIATION IN DISPUTE

1. The TRC Report warns against confusing the religious and the political notion of reconciliation. At the same time it speaks about religion as a source of communal healing and restoration. How do the religious and the political notion relate towards another? My talk on this issue is confined to the Judaeo-Christian concept of reconciliation.

2. The Judaeo- Christian understanding of reconciliation can be traced back primarily to the apostle Paul He made use of the Greek term katallage. It is derived from diplomatic terminology and refers to the overcoming of hostility between rival conflict partners.

3 In.Paul's understanding God's reconciliation with the world in Christ is entrusted to believers as a potential to transform human relationships in society in a way that transcends anything that can be achieved by laws and by political and economic measures.The initiative in extending such reconciliation rests to a considerable extent with victims of injustice who by virtue of their faith overcome their urge to retaliate. They are empowered to open up the oppressor for a process of transformation. The concept of reconciliation also draws inspiration from the Hebrew tradition of the Day of Atonement instituted after the exile and from the Sabbath and the Jubilee Year with a strong insistence on restitution for past offences and mechanisms to control human greed.

4. Paul's concept of God's reconciliation with the world in Christ with its emphasis on a God who shares the suffering of the victims was a provocation to the Roman Empire. It obliges believers to take up the struggle for justice for all people and to be prepared to suffer for this cause.

5. The Biblical concept of reconciliation comprises a communal and a mystic and individualistic component. It therefore lends itself to different interpretations. Whenever the individualistic component has predominated in its interpretation the concept of reconciliation has been used to persuade oppressed people to acquiesce in unjust power structures and practices. This has happened extensively in countries in which churches relied on favours of the state and entered alliances with the authorities controlling the state.

6 The Biblical concept of reconciliation has been a source of strength for people in South Africa and elsewhere struggling for liberation and enabled them to persevere. At the same time it has helped them to discern opportunities for mediation and negotiation and enter compromises. This concept enables us to search for guidelines on whether to opt for uncompromising resistance or for mediation and negotiation with the oppressor. It requires ongoing disputation.

7. The TRC has made an important contribution to a new South Africa by disclosing the crimes of the apartheid system. It thereby has paved the way for a process of reconciliation that has to be taken up, critically evaluated and continued by institutions in South African civil society.

8. Religion can be a support for a democratic order by its insistence that the throne of absolute power remains empty. Religion also has the potential of becoming a destructive force as soon as it allows itself to be used for the justification of unjust power structures..

RECONCILIATION IN DISPUTE

In a chapter on 'Concepts and Principles 'the Report of the Truth and Reconciliation Commission[1] draws attention to the 'difficulty of understanding the meaning of unity and reconciliation at a national level'. It warns against the 'potentially dangerous confusion between a religious, indeed Christian understanding of reconciliation, more typically applied to interpersonal relationships, and the more limited notion of reconciliation applicable to a democratic society'.[2]On the other hand the TRC Report draws attention in the same chapter to the importance of religious and cultural values, rooted in such as the Judaeo-Christian and African traditions, for the restoration of a disrupted society It comments on these two religious traditions: "Neither is monolithic in its approach, both contain strong sources for communal healing and restoration. As such they are sources of restoration to most South Africans."[3]

The Commissioners in their report thus ask the reader on the one hand clearly to distinguish between the religious and the political understanding of reconciliation and on the other hand to draw on the resources of the religious understanding for promoting unity and reconciliation at a national level. What then are the differences between the political and the religious understanding of reconciliation? Are they separate or interdependent notions? If they are interdependent, how are they related to one another?

The title 'Reconciliation in Dispute' refers to the continuous disputation that is an inherent component of the process of reconciliation. Reconciliation depends on an ongoing process of people of different experiences and backgrounds listening to one another and searching together solutions for living together in peace and justice ('conciliare'). Underlying my consideration of these issues is the assumption that the religious and the political notions of reconciliation are interdependent. I am anxious to suggest how they could become complementary to one another. The first section of my paper is an attempt to trace the different and sometimes contradictory stances in the understanding of the concept of reconciliation to its origin in the Judaeo-Christian tradition. The second section will deal with shifts in the understanding and use of the concept of reconciliation and the controversies about it at different stages of the struggle for a new South Africa.The third section will outline how the religious and the political dimension could complement one another. The paper will end with a reflection on the relationship between religion and democracy.

I am aware that particularly in the S.A. context religious traditions such as traditional African religion, Hinduism and Islam have also made important contributions to the understanding of reconciliation. My considerations on reconciliation will, however, be confined to the Judaeo-Christian tradition.

I. THE ORIGIN OF THE CONCEPT OF RECONCILIATION

The original Greek word for reconciliation (katallage) occurs only rarely in the second part of the Bible. It is to be found mainly in the letters of the apostle Paul[4] or in writings compiled later by Christians who were influenced by his theology and adapted it to their own context.
Paul borrowed this term from its usage in diplomacy at the time of the Roman Empire. Here it

had a political connotation and referred to the reconciliation between hostile parties engaged in a conflict.[5]

The apostle Paul takes up that strain in his own religious tradition which links the liberation of the people of Israel from bondage through God the Creator of the world with the liberation of the whole of humankind and of Creation.[6] Israel's liberation is to be the beginning of a cosmic liberation and of a new Creation.[7] He sees the new Creation emerging among the followers of Jesus who has been crucified as a rebel against the Roman Empire, but raised from the dead and affirmed by God as the risen Lord. In the church people of Jewish and of Gentile religious background who otherwise had to keep at a distance for the sake of avoiding cultic impurity can live together and accept one another without the one dominating over the other. To the apostle this new community is the beginning of a new Creation[8] and of humanity. For Paul this was the essence of the message of the kingdom of God which Jesus proclaimed and implemented in his ministry[9] and because of which he was crucified.

Though the Greek word used by the apostle Paul for his understanding of reconcilation does not directly relate to a corresponding Hebrew term the concern for the change in human relationships it envisages is very pronounced in Israel's faith. The Hebrew Bible uses terms derived from Jewish judicial practice to describe Israel's liberation from bondage. Within the framework of the metaphor of slave-owner --slave relationships God is seen as the redeemer who paid the price for redeeming Israel and its possessions from the owner to which it had been enslaved.[10] This experience of being redeemed placed a special responsibility on the people not to betray and lose their own liberation by withholding it from others who suffered from oppression and exploitation, including the foreigners living in their midst.

After the return of the exiles from the Babylonian captivity Israel faced a situation which in many respects reminds one of the task which South Africans face today: A new foundation had to be laid to prevent the abuse of power formerly practiced by the monarchy and the ruling class that had been denounced by God's prophets. Preventive measures were to be taken against a re-emergence of oppressive structures and practices of the past. At this time the Day of Atonement was instituted as an annual opportunity for a public confession to God and for rectifying what had gone wrong by acts of restitution. The name Jom Kippur (Day of Covering) intimates that such confession and restitution is to 'cover' sins after they have been confessed and to protect society against the consequences and after-effects of evil deeds that had been committed..[11] In particular every seventh and every fiftieth year the Day of Atonement[12] initiated special measures of redistribution in the economy that corrected imbalances arising from greedy practices and also for releasing people from a bondage they had incurred through debts.[13]

In the later phase of Israel's history the tradition of the Sabbath Year (every seventh year) and the Jubilee Year (every fiftieth year) had a strong impact on the ministry of Jesus and his followers. It is reflected in the fifth petition of the Lord's Prayer[14] asking for forgiveness of debts[15] and in the well known passage of the Gospel of Luke on Jesus' sermon in Nazareth.[16] Traces of the Jubilee Year tradition can also be discerned in the letters of the apostle Paul,

particularly in the passages on the collection for the poor in Jerusalem which he initiated among the believers in Macedonia.[17]

The apostle Paul integrated the strong communal component of the Jewish faith in which he was rooted into his theology of reconciliation. The universal reconciliation which God has achieved in Christ places an obligation on believers to overcome hostilities in the human community and to combat structures and practices of excluding people from sharing in the spiritual and material sources of humanity.[18]

Paul's message of reconciliation at this point has an articulate thrust against the Roman Empire and becomes highly political.[19]The peace, justice and prosperity it offered to all nations under its control was secured by the military subjugation of the different nations and by the co-option of their leadership so as to accept foreign rule. The reconciliation initiated by the God who sees the plight of the oppressed constituted a threat to the Roman Empire and the divine authority it claimed for the Emperor. This empire could cope with armed resistance more easily than with a community relying on a reconciliation brought about by a God who shared the suffering of the people and who did not resort to violence in responding to the abuse of power.

After Paul later Christian authors reinterpreted his message of reconciliation under the impact of the mystic cults that predominated in their environment. In terms of this mystic spirituality the message of reconciliation was given a strong individualistic und dualistic stance. Life in the material world with its ambiguities came to be seen as a life in darkness and captivity which the believer should avoid.as far as possible[20]. This new stance differed from Paul's strong emphasis on the communal dimension of reconciliation. Nevertheless it fulfilled a valid function as long as it remained subordinate to the overall thrust of Paul's theology. It could help to underline the insight inherent in Paul's theology that humans need to be liberated not only from the outside oppressor, but also from the personal trend alive in each of the oppressed to oppress and dominate others as soon as one is entrusted with power.[21] Only in this way the cycle of violence and oppression at force in history can be broken up.

As soon as the mystic component is used as the key for interpreting Paul's message of reconciliation, this concept lends itself easily to be used as a religious argument for persuading oppressed and exploited classes in society or subjugated and colonized nations to acquiesce in their plight[22] In the history of Western countries this has been a strong trend in churches which entered a close alliance with the political forces controlling the state and relied on its favours and its protection. The rediscovery of the communal and the cosmic dimension as the key to the understanding of the message of reconciliation has to be attributed largely to believers in countries and nations which experienced extreme repression on the part of powerful nations with a strong Christian tradition,[23] and to the publicity which the ecumenical movement gave to their insights.The outcome of this rediscovery can be summarized as follows:
*Reconciliation has been brought about by the God who in Jesus Christ has become a victim of repression and injustice resulting from the abuse of power by humans claiming to have absolute authority. This God has broken the cycle of violence by affirming the same Jesus who was

crucified as a traitor of humanity, as the risen Lord.
*The reconciliation that has been achieved by God in Christ is entrusted to believers as their potential to transform human relationships in society. The initiative for such transformation rests to a considerable extent with the victims of repression. They have been entrusted by virtue with the potential to overcome the urge for retaliation that is alive in themselves and are thereby empowered with a special gift that is essential for changing the minds and the behaviour of oppressors.[24] They also have a special responsibility to maintain critical contact with the people newly acceding to the control of power and to help them in resisting the temptation of its abuse.
*Reconciliation according to this tradition does not merely aim at restoring human relationships that have been disrupted by the abuse of power to conditions that existed previously. It enables perpetrators and victims to arrive at a new relationship that transcends everything that has existed before[25] and that integrates the experiences of the past so as to avoid a repetition of past injustices..
* Reconciliation in this sense comprises all human beings and not merely the members of one particular nation and society. It includes the building of a new relationship between humans and nature and an emphasis on human responsibility in science and technology for shaping and protecting life.
*This reconciliation obliges the believer to be involved in the struggle for justice for all human beings and for Creation and to be prepared to share the suffering that results from participation in this struggle.

II. RECONCILIATION AT DIFFERENT STAGES OF THE S.A. STRUGGLE

Reconciliation and non- violent resistance. In 1952 after his deposition by the apartheid regime as a chief, Albert Lutuli, the then President of the ANC, issued a statement outlining the principles underlying his non-violent resistance against a policy that debased human personality- a God given force. The statement ends with the words which are also used for its heading:'The Road to Freedom goes via the Cross'. Though the term reconciliation is not used this political as well as religious statement reflects basic features of Paul's understanding of reconciliation.[26]

Reconciliation and armed resistance. After the Sharpeville massacre the younger generation of ANC leaders came to the conclusion that the strategy of non-violent resistance could no longer be upheld. Arguing that the anger of the people experiencing extreme repression could no longer be controlled and needed to be channeled in order to avoid meaningless bloodshed Nelson Mandela in a very difficult meeting with Albert Lutuli obtained the agreement of the ANC President to embark on armed resistance.[27] That this compromise did not terminate the concern for reconciliation in the liberation movement, became clear when in 1990 Nelson Mandela after an imprisonment of more than 26 years initiated a policy of reconciliation.

The message of reconciliation as a call to combat structures of irreconciliability in church and society. The Sharpeville massacre also had the effect of awakening responsibility for justice in the ranks of church members. As a leading member of the Dutch Reformed Church Rev.Beyers Naude took a stand against the apartheid system, but found opposition on the part of the authorities and the constituency of this church and was marginalized. Being inducted as

Director of the Christian Institution he delivered a sermon on God's reconciliation with the world in Christ (2 Cor.5). He pointed out that this reconciliation encompasses all people and obliges believers to resist the putting up of barriers against it. The confession of this faith and all talk about reconciliation was loose talk, if it was not implemented in action.[28]-- The 'Message to the People in South Africa' issued in 1968 jointly by the Christian Institute and the South African Council of Churches was a similar call based on Paul's concept of reconciliation, to reject and resist structures and ideologies maintaining that people of different background cannnot live together in peace unless they are kept separate from one another.[29]

No reconciliation without justice. With intensifying repression paving the way for the state of emergency in the middle of the 1980s theologians and church members involved in the liberation struggle hesitated to use the term reconciliation. This concept was widely abused by apartheid supporters for proposing reforms that served the purpose of neutralizing the resistance of the oppressed in order to avoid a change of existing power relations. The Kairos Document exposed this abuse of the concept of reconciliation and insisted: "No reconciliation is possible in South Africa without justice, without the total dismantling of apartheid"--"no forgiveness and no negotiations are possible without repentance."[30]

The policy of reconciliation. While theologians were still hesitating to make use of the concept of reconciliation in the struggle for justice Nelson Mandela as the politician who had played a prominent part in initiating armed resistance, put reconciliation on the political agenda immediately after his release from prison. Church representatives committed to the cause of justice participated in efforts to mediate between hostile conflict partners, to bring the armed conflict to an end and to embark on negotiations with the apartheid regime aiming at a political settlement. Though not focussing on the issues of acknowledgment of guilt and on repentance they regarded these efforts as part of a process of reconciliation. In due course this process resulted in a non-racial democratic constitution and far reaching political changes. On the other hand the newly installed Government of National Unity was rather cautious in pushing for changes in the economy which would have been necessary for redressing the economic plight of the majority of hitherto disenfranchised South Africans. Such compromise probably was necessary for the sake of avoiding armed and bloody responses on the part of those South Africans for whom the transition to democracy was difficult to accept.

Truth and reconciliation without retaliation. In the course of the negotiations between the apartheid regime and the liberation movements it became clear that the policy of reconciliation would be in danger if no effort was undertaken to disclose the crimes and human rights violations and if no opportunity was given to the victims to speak in public about the injustice they had suffered. The outcome of the difficult negotiations was a law for promoting national unity and reconciliation based on a compromise that lead to the formation of the Truth and Reconciliation Commission. While aiming at reconciliation several aspects of the compromise encountered opposition on the part of some of the victims of gross human rights violations: A perpetrator applying for amnesty is expected to give truthful and comprehensive evidence on the crime, but is not under an obligation to acknowlege guilt or to contribute towards restitution.

Such concessions were necessary for the sake of reaching an agreement that avoided further bloodshed. The compromise has facilitated a far reaching disclosure of the crimes of the apartheid system that otherwise would not have been possible. In a long term perspective this is one of the most important basic requirements for a process of reconciliation and for a new beginning in human relationships in South African society.

Reconciliation and economic justice. In the course of the implementation of a policy of reconciliation and in the process of the work of the TRC it has become clear that the wounds of the people who have been oppressed and disenfranchised for so long cannot heal unless their living conditions are improved and unless progress is being made in the struggle for economic justice. Stimulated by the public hearings of the TRC poverty hearings have taken place, jointly sponsored by churches and secular non-government organisations. Voices are becoming more articulate which demand that South Africans who have silently benefitted from the apartheid system and not resisted it, should make special contributions for the promotion of economic justice.[31] Meanwhile the South African government has to steer its way amidst two opposing pressures: on the one hand the expectations of the people for economic justice, on the other hand the forces controlling the global economy that insist on the compliance of our country with so-called free market principles which are largely responsible for the growing gap between the rich and the poor on a worldwide scale.[32]

III. DIFFERENT LEVELS OF UNDERSTANDING OR IMPLEMENTING RECONCILIATION

Three levels. At first sight the shifts in the concept of reconcilation in the course of the struggle for a new South Africa convey a rather confused picture. This changes, however, if we try to distinguish between different levels at which it has been used and to identify the potential and the limits of the meaning of the word at each level. I suggest that we consider three levels: the judicial, the political and the church or religious community level.

The judicial level. From my limited understanding the judicial systems rooted in Western tradition aim at containing the spreading of crime and irresponsible behaviour primarily by the threat of punitive measures deterring people from committing offences and by punishing offenders. Moreover they provide for the restoration of damage that has been caused by an offender The right to punish offenders for their offences has been transferred and limited to the state. This arrangement has been an invaluable contribution to peace and orderly life in society. The judicial system also provides mechanisms for controlling whether legislation and other measures of the state comply with the Constitution and with human rights principles. However its potential to transform the offenders and to change human relationships is rather limited.

The formation of the TRC has to be attributed to the insight, that the traditional judicial mechanisms were not adequate for dealing with the gruesome past of the apartheid regime and for paving the way for a new South Africa. The aim was to promote restorative justice and to contribute towards healing relationships in co-operation with the judicial system.

The political level. Ever since the collapse of socialist states in the East European block the ideology that economic justice is secured in the best possible way by allowing the economy to develop according to its own inherent laws has predominated in shaping the policies of most states. The role of governments is seen as protecting and facilitating free economic competition. Governments have largely abandoned the control of economic forces. Reckless and uncontrolled competition is widening the gap between the richest and the poorest nations and between the more well-to-do and the poorer classes in the individual nations.The concern for reconciliation leads to the demand that democratically controlled political authorities on a national and international level assume responsibility for economic justice.Though this is the most urgent requirement in the present global crisis if the ongoing catastrophe of massive destruction of life is to be contained and reduced, we have to be aware that even the best possible legal and administrative provisions do not by themselves ensure economic justice. They can fulfil their purpose only if they are inspired and directed by the mutual acceptance of people, the recognition of their humanity and the sharing of responsibility for one another. A transformation of human relationships in this direction is the underlying concern of reconciliation at the level of the church or religious community.

The church or religious community level. Reconciliation in the Judaeo-Christian tradition aims at a transformation of human relationships that emanates primarily from the victim of injustice. The latter responds to the perpetrator not by retaliation, but by forgiveness. The perpetrator is forgiven even if he or she shows no signs of repentance and does not confess his or her guilt.In fact repentance on the part of the perpetrator is a consequence of the forgiveness which he or she has received. The struggle to overcome injustice and its consequences, however, does not merely pertain to the relationship beween the victim and the perpetrator, but starts with the victim itself. It is aware of the urge towards injustice and of the abuse of God-given power in its own life that can be overcome only by reliance on a God who has been victimized in the suffering and death of Jesus without retaliating.

From my perspective the concept of reconciliation in the Juedao-Christian tradition with its concern for humanity and Creation demands an openness also for the insights and experiences of other faith communities: It furthermore requires co-operation with people without any particular religious affiliation who hold themselves responsible for the promotion and well-being of all people and of Nature.

Reconciliation at the level of the church is a divine gift that is nurtured through the fellowship of believers with the risen Lord and with one another in their worship life. This gift has to be extended to all human beings without any attempt to impose one's own faith on them. This faith has to be lived out in the created world entrusted to humans in which the living together of people of different persuasions and convictions and economic interests can only be maintained with the help of political, social and judicial arrangements that constitute compromises..

Guidelines for compromises.

I suggest that believers by virtue of their faith are under an obligation to be involved in society in

efforts to achieve the best possible compromises that allow maximum scope for a transformation of human relationships transcending what can be achieved by laws and regulations. Occasions can arise when they have to resist a compromise. The following are suggestions for such guidelines:[33]

*A compromise is relatively good if its advantages outweigh the disadvantages for all the people affected by it and if it takes account in particular of the needs of the weaker and vulnerable sections of society.

*A compromise should be seen as a temporary measure that obliges the people concerned to use the time they have gained for striving for a better solution.

*An important criterion for a compromise is the question whether or not it facilitates practices of love and mutual acceptance of people from all ranks and interest groups in society.

*The religious dimension of reconciliation empowers the believer to discern the appropritate time for a compromise or a refusal to accept a compromise or for outright resistance. A decisive consideration for such difficult decisions is the question: Whose interests are best served by the compromise and whose interests are neglected?

* In fairly normal circumstances a responsible decision on whether to enter or to resist a compromise requires extensive consultation and disputation. In situations of extreme repression it can require lonely decisions by individuals who have to be prepared to face rejection or persecution.

IV. RECONCILIATION, DEMOCRACY AND RELIGION

The French political philosopher Claude Lefort and several other political scientists have highlighted the concern that the throne of absolute power remains empty as the characteristic feature and criterion of a democratic state order.[34]In their view democracy depends on the recognition of an absolute authority that lies outside human control.[35]This may be a religious authority or, in the case of people without religious affiliation, a commitment to a vision of what constitutes humanity.

From this viewpoint only the commitment to such an authority creates the space in society for politics and institutional arrangements that protect people against the abuse of power. According to this understanding every group or organisation that accedes to political power requires the corrective counterweight of another group striving for access to power and trusting that it would make better use of the potential of the state for the common good. The disruption of the state arises as soon as a government claims to have been entrusted with absolute power and no longer allows itself to be challenged by rival power groups.[36]

I suggest that such an understanding of democracy reflects an affinity to the Judaeo-Christian understanding of reconciliation and its concern that the throne of absolute power is not occupied by any human authority.[37]Such an understanding of democracy could provide a foundation for a co-operation of people of different religious backgrounds and of people without a particular religious affiliation to search together for the best possible solutions for bringing violent conflicts to an end as well as for the sharing of resources and opportunities without excluding

anybody (reconciliare). At the same time this viewpoint alerts people to be on the alert against any political or religious power group that claims to have final solutions and aims at absolute power.

Our most recent experience in South Africa has taught us that religion can make valuable contributions towards creating space in society for the lving together of people in a non- racial democratic order in which human rights are constitutionally protected. On the other hand we come from a past in which religion has been used for purposes of repression and we are still wrestling with the legacy of that past.

The Truth and Reconciliation Commission has made an invaluable contribution towards disclosing the crimes committed or endorsed or tolerated by a regime that buttressed the absolute power it exercized by theological and religious arguments derived from the Judeao-Chrisian religous tradition and by an alliance with religious power groups. The Commission also has submitted recommendations on how a new beginning should be made in human relationships in our country. Its work was possible only on the basis of a compromise. We now face the task of making use and evaluating its experiences, continuing its work and exploring how we can extend the gains that have been made and also identify mistakes that should be avoided in future. .
Wolfram Kistner
Johannesburg, 27 May 1999

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