Towards the embrace of political reconciliation

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Introduction

AS WE APPROACH THE THRESHOLD OF A NEW MILLENNIUM, it will serve us well to remember a brief moment of reconciliation in the history of the world. Life is made of such moments and their cumulative effect. Issues of reconciliation, apology and forgiveness are deeply religious, but also deeply political notions. They require the vigilance of a snake (a hermeneutic of suspicion) and the openness of a dove (a hermeneutic of love as an openness to an alternative future). We have much to regret about the passing millennium, but we also have much to celebrate in the few significant moments of reconciliation in our times. The world's most recent embrace of truth and reconciliation as not only a religious imperative but also a political necessity is one gesture that we should take with us from the closing events of this millennium.

The past century and a half has seen the rise of a significant number of truth commissions, most of them in Africa and Latin America. However, we have also heard of apologies being offered by western nations for the atrocity of slavery, the Irish famine, etc. Uniquely, South Africa's Truth and Reconciliation process captured the attention of people internationally as a case study for global peace. I invite you to a critical analysis of the TRC process in South Africa.

The theological motive of the Truth and Reconciliation Commission

South African theologians made differing attempts to come to terms with the theological motives of a purely political process such as the Truth and Reconciliation Commission (TRC). The consensus to the proposals for the TRC reached by some of the Christian groups was that the TRC will be a crucial *national symbol*. This much is clear from a review of proposals made by three of these groups in their submissions to the Minister of Justice in 1994. They were the Research Institute on Christianity in South Africa (RICSA) at the University of Cape Town, the Theological Faculty at the University of the Western Cape, and the

Church Leaders under the banner of the South African Council of Churches.

RICSA described the TRC as a 'national care process'. Its point of departure was that all the people of South Africa have suffered irreparably from the history of this country. This being so, it believed the Truth and Reconciliation Commission was meant to have a pastoral function with regard to the victims as well as the perpetrators, the grand motive for this pastoral action process being the restoration of the people's humanity. As a symbol the Commission is described as a public liturgical act which could focus the purgation of feelings.

The Church Leaders' Consultation of the South African Council of Churches agreed that the TRC would function as a national symbol. They differed from the RICSA viewpoint in that they saw the Commission as a legal symbol, the anvil on which pastoral action had to be forged by others. The central pastoral aim was described as 'making our memories redemptive', this responsibility belonging with the Church and not with a legal institution. Consequently five stages of pastoral action proper in which the religious community needed to be involved were identified:

- helping the nation to come to terms with the past as well as to move from the old to the new;
- providing for counselling and confession, or pre-disclosure guidance or counselling;
- offering a ministry of accompaniment of the confessing individual to the room of confession, in this case the Truth Commission;
- effecting the priestly liturgical function of atonement to help the nation to accept the reality of the past and develop corrective measures to ensure that those experiences are never repeated;
- accompanying the nation into a new life, a new experience, a new culture and a new morality.

The response of a number of theologians at the University of the Western Cape supported the position of the Church Leaders on the proper and separate responsibility of the Church in its pastoral care and mission. While the TRC was seen as a national legal symbol dealing with the contravention of human rights, the Church's responsibility, they maintained, had to go beyond this concern for legal contravention to encompass the wider pastoral concerns implicit in truth and reconciliation. The Church is *pastorally* concerned about truth and reconciliation. Therefore, they argued, while the government had ultimately

to close the legal book on these human rights violations, the pastoral care book could not and should not be closed so simply.

It can thus be seen that South African theologians by and large had high expectations for the TRC. The complexities of the process and the difficulty of bringing significant numbers of people into it tempered many of those expectations. Emeritus Archbishop Desmond Mpilo Tutu summarizes it aptly in his foreword to the Report of the Truth and Reconciliation Commission (1998). He says: 'The report will now take its place in the historical landscape of which future generations will try to make sense – searching for the clues that lead, endlessly, to a truth that will, in the very nature of things, never be fully revealed'. These words highlight three key areas in which the Report will show its historical value:

- in the search for clues;
- in the lives of future generations;
- in the ever unfolding nature of the truth.

I will now share some reflections on these three dimensions of the implications of the TRC's work for past, present and future. Thereafter, I shall discuss certain areas of difficulty that we have learnt to appreciate as a result of the truth and reconciliation process.

IMPLICATIONS OF THE TRC'S WORK

Searching for clues

The search for truth is a highly contested issue in South Africa. What is truth? Tinyiko Maluleke (1997) has argued strongly that the only way to look at the TRC Report is through its effects on the victims. This, he argues, is in line with the biblical priority of the victim, the widow and the poor. He expresses great anger at the TRC's inadequate proposals for reparation and restitution which focus more on the symbolic and the communal aspects than the individual. He allows that it looks in a limited way at the economic side of reparation, probably from awareness of the limited financial resources of government and the dangers of causing expectations that cannot be satisfied. Nevertheless Maluleke had verbalized his anger already in the title of his 1997 article by effectively saying: '[You are] Dealing lightly With The Wounds of My People'.[1] Against this background Maluleke has also lashed out against contributions to a book that was edited by Robin Petersen and myself. The authors and the editors have predominantly argued that the TRC should be measured by its contribution to the act of 'remembering' and

'healing' for the sake of the nation. Maluleke strongly questioned this line of thought, saying that the book breeds 'a devious theology . . . [that is eventually] . . . put forward as the new basis of prophetic Christianity'. Books like these that focus strongly on the nation-building project displace the victim-based approach of biblical theology. We end up 'singing Mandela's praises' instead of facing the tough task of developing theological foundations for Church and society. Maluleke claims that such attempts at forming 'new contextual theologies' suffer from the suction power of 'the praise-singer'.

I disagree with Maluleke. His argument leads to unjustifiable separation of human dignity from human rights: of reparation given to an individual victim from inclusive healing or restoration of a nation. The restoration of human dignity on an individual level, with which Maluleke begins and ends, is not separable from the building of a human rights culture. The TRC Report has, therefore, a central role to play in the project of nation-building. The TRC is much more than just a commission for 'reparation, restitution and restoration', it is indeed a more comprehensive 'Truth and Reconciliation Commission'. I, too, am saddened by the limited financial resources available for reparation just as much as I am saddened by the inclusion of the amnesty clause in the TRC legislation. However, I am immensely satisfied by the fact that the TRC, for all its imperfections, makes a strong contribution to 'remembering' and 'healing' in the nation.

Archbishop Tutu correctly sees the Report of the Commission as an invitation to all South Africans to dig into it in search of clues to the truth. This is a call to see the Report as a record of remembrance. It calls us to the act of remembering. The word remembering has more than one meaning. It has the cognitive meaning of recalling the past. In this sense the Report provides clues to the past, clues to the greatest atrocities of apartheid. It also has the more communitarian meaning of reconnecting (re-membering) members to the community. In this sense the clues take the form of a 'rendezvous experience' – calling people into a celebration of and a belonging to our common humanity as a nation in South Africa.

For the sake of future generations

Desmond Tutu's foreword sees the Report taking its place in 'the historical landscape of which future generations will try to make sense'. This is of great importance, since future generations will know apartheid only by hearsay. They will need an aide-mémoire. Memory plays

an ambiguous role in history. History has left us a legacy which is one of oppositional relationships. This passing millennium has made us conscious of and imprinted on our (Christian) memories the acts of the Christian crusaders, the conquest missionary activities of the colonial period, the Nazi holocaust, the just war theory, the Roman Catholic versus Protestant cold war, the capitalism against socialism paradigm and much more. Our children deserve a better chance of a more prosperous and peaceful future.

The late Frank Wright,[2] political scientist and historian from Northern Ireland, claimed that historians should also be reconcilers because history has a reconciling role. Despite the fact that history often seems to manifest itself in oppositional terms, pitching nation against nation, religion against religion, denomination against denomination, tradition against tradition, race against race, its most crucial challenge is reconciliation. He particularly urged historians to assist the cause of reconciliation in Northern Ireland by attempting to reconcile the 'two opposed national histories' of Protestants and Catholics. This task, he believed, would require the uncovering of stories that are important only when they are of service to some pre-existing reconciling purpose. Whenever we dig into history, we should clarify purpose, and a just purpose should be a reconciling one.

Future generations need to grow up with a totally different orientation to history and the future. They need to be raised on the concept of truth and reconciliation. It will require an intentional commitment to build the cumulative effect of a new memory for reconciliation which will then open the gateways to the future and 'the other' rather than close them.

Bonhoeffer aptly reminds us that:

> The ultimate question for a responsible man [sic] is not how he is to extricate himself heroically from the affair, but how the coming generation is to live. It is only from this question, with its responsibility towards (coming) history, that fruitful solutions can come, even if for the time being they are very humiliating.[3]

The nature of truth

Future generations will learn from the Report that establishing the truth of human rights violations is not unattainable. It requires creative and, sometimes, painful compromise, but it can be achieved. However, the truth is also a mystery of history. It does not stand out on every page of a

truth report, but, to the discerning mind, it is always revealed. Quite often the truth is revealed in places that our nations regard as unlikely abodes of truth, namely the voices of the victims. The low priority given to the role of the victim in our legal systems testifies to this problem. The truth and reconciliation process in South Africa has lent an ear to the voiceless victims of the apartheid regime and given them a voice.

Archbishop Tutu speaks about the ever unfolding nature of the truth. The truth unfolds for ever. Every generation can live from its sustenance. It is not our efforts alone which uncover the truth. The truth is self-revealing and self-vindicating. Tutu uses the word 'revelation' to express the mystery of this truth represented by the TRC Report. Revelation is at the same time a matter of the past and a matter of the future with serious implications in the present. The TRC has shown how the narratives of the victim can become a source of revelation.[4] The truth is witnessed through the eyes and condition of the victim. But our children must also learn that truth and reconciliation are always complex, challenging each generation. However, it is also the opportunity of a lifetime.

THE FAULT LINES

The success of the process of truth and reconciliation in one small part of the world depends on many factors. The TRC identified the whole world as being on a serious 'fault line of earth community' which could lead to an earthquake for future generations. In what follows, I would like to identify a number of fault lines that need to be kept in mind during the next millennium.

Justice as restoration

One may disagree with Maluleke's narrow vision for a truth and reconciliation process, but one can not thereby dismiss the legitimate claim of the victims or their next of kin to a form of reconciliation which may be costly to others. This claim needs to be understood against the background of an alternative concept of justice.

The South African TRC has exposed the country to an understanding of justice which we were not used to. Everything about our legal system led us to understand justice as synonymous with punishment for crimes. The TRC dispensed restorative justice, i.e. justice as restoration after the draconian deed. Restorative justice, and specifically the idea of linking justice and reconciliation, has its deepest roots in Greek culture.

After the time of Draco, source of 'draconian laws', a new way of restoring and healing community had to be found. Through the resulting process justice was often dispensed not essentially for punishment, but mainly to restore both victim and perpetrator in their common humanity and in a healed society.

Painfully, South Africans are becoming aware of the need to understand the complex relationship between reconciliation and a justice differently understood. Reconciliation is not meant to subvert justice nor replace it. After the horror of the Nazi regime, the Nuremberg trials of Germany were a warning against a simplistic connection between reconciliation and punitive justice. The Nuremberg trials as well as the Stasi-investigations in the old Eastern Europe show how difficult the issue of legal justice aimed exclusively at the perpetrators can become. In many instances the courts could not conclusively rule against alleged perpetrators, with the consequence that many victims were frustrated and their original humiliation added to by the 'justice' process. The South African attempt is not in the first place aimed at the perpetrator. Its priority is the restoration of the humanity and dignity of the victim – that is the project the country has decided to put its energy into. Reconciliation does not replace or exclude legal justice. However, it is also unacceptable to make it posterior to the satisfaction of the legal requirements of justice. Reconciliation builds the foundation of a human commonality which makes it possible for justice to be done in the spirit of openness and acceptance of the other in the interest of a common future.

The situation in South Africa is complicated by the constitutional clause in the TRC on 'amnesty'. Amnesty creates an unnatural cohabitation of reconciliation and legal justice which is impossible to defend on religious grounds. However, we may have learned, on practical grounds, to embrace the love-hate relationship with amnesty. This acceptance is important because the country is asking the perpetrator to incriminate him- or herself without further consequences from the law. There is a condition to this: that the perpetrator sees amnesty not as a further victory but as gracious gift, a miraculous gift from the victim. It must be understood as more than a juridical decision.

Eventually South Africa will have to deal with the guilt which perpetrators may not want to confess at this time. The past will soon haunt their consciences. South African perpetrators of violation may be ruthless but they are like perpetrators everywhere in the world – only human beings, who have been inhuman to their victims and themselves.

Women – the voiceless victims

Gender has been grossly neglected as an aspect of human rights violations. I. Olckers argued aptly that the TRC functioned initially with a 'gender-neutral truth' which she denounces as a shameful distortion of the truth. Although most of the people testifying during the first five days of the hearings were women, their testimonies were limited to events relating to their children, husbands and brothers. This created a situation where women had to bring significant pressure to bear on the TRC to have special hearings for human rights abuses of women. Annalet van Schalkwyk makes a strong argument for the importance of restitution towards and the healing of victims of gendered violation of human rights for the shalom of the nation. Gender was a key aspect in apartheid power relations. Apartheid was both an oppressive patriarchal system and a crime against gendered humanity. Women's basic rights to security, a decent family life, freedom of movement, freedom from want, freedom from torture, equality before the law, for example, were systematically violated under apartheid laws.[5]

When future generations read the Report only for its formal text, they will not hear the voices of violated women. They will have to learn the art of reading into the silent texts the missing lines of women's painful experiences under the system of apartheid. In the ears of future generations these silences of protest must ring forth to bring about a fuller reconciliation in South Africa.

Freedom and personal morality

The personal moral responsibility of the perpetrator with regard to the victim could have been better integrated into the personal aspects of a restorative justice.[6] The legislation on which the TRC was established specified three categories for the identification of the perpetrator. Consequently the TRC could focus only on *gross* human rights violations executed with a *political motive*. The measure of a political motive played a significant role in the process and it was indeed more visible in the discourses regarding qualification for application to the commission than in the amnesty hearings themselves. The category of 'political motive' referred to acts done by a political organization or its members, including acts done by a member of the security forces or deeds that were executed in obedience to an instruction by such political organization or security forces. At the heart of this description lies the notion of a dispositional ethics with the execution of duties as fundamental to the definition.

Perpetrators cannot claim that they meant well or were executing duties in order to excuse the pain they caused others. They have to face the results of their deeds in the light of the personal moral autonomy that they carry in responsibility before God and before their neighbours. Such a situation calls for a 'self-denial' – setting aside the priority of self-interest – rather than adopting the protective plea of 'being guilty' by political motive. It requires that every human being should think and act in the interest of the victims rather than in the interest of him- or herself. It adopts the understanding of personal freedom as involving responsibility. The ethic of responsibility manifests itself in two types of questions: responsibility *for what* **and** *responsibility for whom.* Certain perpetrators must still learn to answer the second question.

It is important that we ask these questions and seek for those clues that are not in the TRC-process or its Report. To say that apartheid is a crime and its theological justification a heresy affirms the principle that people choose their idols freely just as they choose their words. Perpetrators *chose* to say 'yes' to authority and immoral duties. Perpetrators act out of the moral decision they have made after due consideration of their personal convictions, and often with an understanding of what it will cost the victim. Even if there is powerful political pressure on them, ultimately people have personal responsibility. Beyond the mechanistic, duty-bound political animal of the legislation imperatives lies the responsible human being. And no state commission can absolve them from that personal responsibility to the victim.

The mirror of a global truth

The Report of the Truth and Reconciliation Commission serves as a mirror to the South African nation. It shows what people are capable of doing to each other. However, it will be the shame of the millennium if other members of the international community refuse to recognize themselves and their own divisions and conflicts in that mirror.

Jon Sobrino, the liberation theologian,[7] reminds us that *recognition* is one of the most important issues in the search for the truth and for reconciliation. The perpetrator, national and international, has to recognize *himself or herself* in the atrocities. This call, he says, is not a 'theology of blackmail' as some would like to think. Recognition of one's own place, the role of one's personal choice in the ugly deed is essential for reconciliation because it gives birth to the new person and the new earth. A global society requires such a recognition from the

international community. The role of Margaret Thatcher's foreign relations and Ronald Reagan's constructive engagement policy is clearly to be traced in blood through the pages of the TRC Report.

Eucharist: gateway to the future

South African churches will have to revisit their own identity after the TRC in South Africa. Churches are communities of remembrance, healing and reconciliation. Memory is the centre of their eucharist. This kind of memory is subversive in that it does not romantically or merely angrily reflect on the past, but opens the gateway to the future through its acts of memory. What we do with the Report of the TRC will reveal the extent to which the Church is really true to its own fundamentals.

Conclusion

I opened my presentation with Archbishop Tutu's foreword to the TRC Report. Allow me now to conclude with a reference I often use, Dietrich Bonhoeffer's closing words in his sermon on 'Thy Kingdom Come'. He reminds people who are in situations of transformation and reorientation about a strange story from the Old Testament. Jacob fled from his home and lived for many years in a foreign country in a state of enmity with his brother. Then the urge to return home and to his brother became insistent. He discovered later that it was only a small river that separated him from his brother. As he prepared to cross the river, he was stopped. A stranger wrestled with him about the past, his identity and the future. From this struggle the blessing of the sunrise was born!

> Then the sun rises on Jacob, and he proceeds into the promised land, limping because his thigh has been put out of joint. The way is clear; the dark door to the land of promise has been broken open. The blessing has come from out of the curse, and now the sun shines upon him.
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> That the way of all of us into the land of promise leads through the night; that we also enter it as those who are perhaps curiously scarred from the struggle with God, the struggle for his kingdom and his grace; and that we enter the land of God and of our brother and sister as limping warriors – all these things we Christians have in common with Jacob. And we know that the sun is destined also for us, and this knowledge allows us to bear with patience the time of wandering and waiting and believing that is imposed upon us. But beyond Jacob, we

know something else. We know it is not we who must go; we know that He comes to us . . . That is why we pray, 'Thy kingdom come to us'.

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NOTES

1 T. S. Maluleke, '"Dealing lightly with the wounds of my people?" The TRC process in theological perspective' in *Missionalia* vol 25, no 3, (1997).
2 His article 'Reconciling the histories of Protestant and Catholic in Northern Ireland' has been republished in A. D. Falconer and J. Leichty (eds), *Reconciling memories* (Dublin: Columbia Press, 1998), pp 128–148.
3 Dietrich Bonhoeffer, *Letters and papers from prison* (New York: Macmillan, 1972), p 7.
4 See H. R. Botman on narrative theology in H. R. Botman and P. M. Petersen, *To remember and to heal: the theological and psychological reflections on truth and reconciliation* (Cape Town: Human and Rousseau, 1996).
5 For this discussion see B. Goldblatt and S. Meintjies, 'Dealing with the aftermath – sexual violence and the Truth and Reconciliation Commission' in *Agenda* 36, 1997; A. van Schalkwyk, 'At a gendered truth: women's testimonies, the TRC and reconciliation' in *Journal of Constructive Theology* vol 5, no 1, 1999; and I. Ockers, 'Gender-neutral truth – a reality shamefully distorted' in *Agenda*, 31, 1996.
6 I have argued this point more comprehensively in an Afrikaans article entitled 'Die Bevryding van Kain' in *Scriptura*, June 1999.
7 J. Sobrino, *The principle of mercy* (Maryknoll: Orbis, 1994), pp 83–88.