
TRANSITIONAL JUSTICE: LESSONS FROM THE PAST

KENNETH CHRISTIE^{*}

INTRODUCTION

This paper attempts to provide a theoretical overview of why Truth Commissions and dealing with the past are important goals in transitional societies; then I examine in a comparative sense the cases of South Africa and Palestine in order to find lessons for the latter from the former. These lie in three main areas; nation-state building, reconciliation and promoting change through memory.

^{*} Professor in Department of Human Security and Peacebuilding, Royal Roads University, British Columbia, Canada. Kennethchristie@hotmail.com

TRUTH COMMISSIONS

The question then, is not whether one lives in history, but rather in whose history one lives. As Voltaire said ‘we owe respect to the living; to the dead we owe only the truth.’⁽¹⁾

It is within this context that remembering and forgetting emerged as an important narrative of the late twentieth, early 21st centuries. Transitional nation-states seeking to overcome traumatic legacies and move forward were instituting enquiries into past conflicts. The most well known attempts to establish historical truth, create collective memory and punish offenders of wartime atrocities were the Nuremberg and Tokyo trials, held at the end of the 2nd World War. However, significantly, Japan still refuses overall to accept responsibility and show real contrition for human rights abuses (i.e. the comfort women) it committed during that war (In East and Southeast Asia). Recently, when still in office, Tony Blair also acknowledged the role of Britain in the Slave trade but stopped short at a full apology. Similarly US citizens still have trouble dealing with the traumatic legacy of Vietnam which divided and ruptured US politics in the 1960’s and 1970’s.

Revising history is not a new movement. During the process of decolonisation, many newly independent and developing countries changed their history textbooks, renamed streets and cities and demolished public monuments which celebrated the achievements of the colonisers. In Zimbabwe, Salisbury became Harare; in Vietnam, Saigon was renamed Ho Chi Minh City, just two countries among many where elites and masses tried to come to terms with traumatic past conflicts.

Over the last thirty years, many political transitions from dictatorships and towards democratic dispensations have often been accompanied by Truth Commissions. Since 1974 there have been over 25 Truth Commissions and inquiries in states as diverse as Argentina, Chile, Uruguay, Bolivia, El Salvador, Uganda, Zimbabwe, Chad, Rwanda, Ethiopia and the Philippines among others, with recent additions Guatemala, Germany, Malawi and

South Africa. The process of "uncovering" the truth about a nation's traumatic past appears to be an ongoing one as there have also been calls for commissions in Mexico and South Korea, with suggestions of Sri Lanka and Northern Ireland. Sometimes these inquiries are also called for in societies where conflict is as yet not fully resolved, adding to the complexity of the picture. Such inquiries it is argued have become a crucial way in which new governments and states not only seek to uncover the "true" past but also attempt to create new and politically acceptable versions of their history, partially in an effort to reconcile and heal the long standing wounds which have afflicted various sectors of the political community. Some have also argued these efforts are just as often used in the political sense to cover abuses by the onetime victims, (or freedom fighters) and now elites in the governance structure. In essence, there is a politicisation of collective memory in favour of the "victors" and against the previous "transgressors." Put more simply, the historical narrative is simply rewritten for the benefit of the new elites. This helps to legitimize any of their abuse and perhaps more importantly entrench them in power because of their moral stature. In an important work Ian Buruma who studied the post war memories of Japan and Germany argued that the job of the historian surrounding these traumatic details of the past is:

To strip the past of its mystery, to relate history as a series of more or less coherent events--without being subject to fixed laws--and to explain and evaluate those events critically is the historian's task. This is difficult, perhaps impossible to do when the events are within living memory, when the question of guilt and shame are still vital.⁽²⁾

Two points are particularly important here:

1. The 20th century has been a century of violence with the state being at the forefront in the exercise of violence against usually helpless citizenry's. Revolutions, insurrections, guerrilla warfare emerged as

contenders to state power significantly in the last 100 years. These experiences have by and large produced deep and abiding scars on ordinary people. In armed conflicts since the end of the Second World War in 1945, over 90% of the casualties have been civilians. Moreover, since this period an estimated 22 million people have died in conflict.⁽³⁾ Early on this century even before details of mass genocide had been illustrated, one author could argue that “the curse of privilege to be the most devastating or most bloody war century belongs to the Twentieth; in one quarter century it imposed upon the population a ‘blood tribute’ far greater than that imposed by any of the whole centuries combined.”⁽⁴⁾

2. In the post cold war period, the state and its meaning is undergoing a period of redefinition, as the superpowers predominance has been challenged by intrastate and external-state actors. For instance human rights issues, refugees, ethnicity, gender issues, the environment among others have emerged as crucial themes in international politics at the close of the 20th century. Democratization has become the key element for many social scientists in explaining these global changes; it seems likely that the twentieth century will become known as the “age of democratization.” The collapse of the Soviet Union and authoritarian regimes in Eastern Europe, Latin America and elsewhere has seen the process of democratization carried further. Democracy has emerged as the legitimate form of government in Southern Europe and in part East Asia. It will be far more difficult now to reverse these trends and process and this will engrain democracy as a form of government.

One of the key aspects of how states seek to acquire an institutionalised narrative of the past is that this finds itself inscribed in some sort of collective memory or shared memory. This enables us to think through a common sense of identity in relation to the past and helps us to deal with the implications. James Fentress and Chris Wickhams argue of the importance of past events and experience (whether real or imaginary) which provide shared images of the historical past which in turn have importance for the

constitution of social groups in the present and their identity. It is this common remembrance of things past then that direct bearing on our present condition and our state of being. Indeed they are intimately interlinked. To this extent then, folk tales, anecdotes, stories, myths etc. are all relevant, whether they are true or not; what matters ultimately is that they are believed. As such social memory is not only selective, but also often distorted and inaccurate.

The past has become a more embittered, more debated; more revised foreign country than ever before. In terms of how societies remember (or forget) Connerton has argued that the control of society's memory largely conditions the hierarchy of power. The way that collective memory is stored then is not simply a technical formulation but one that bears directly on the legitimation of power relations and what that means. The question of control is a crucial political issue, the control of the media and the control of the archives.⁽⁵⁾ Images of the past then commonly legitimate the present social order through shared memory. And we will see throughout the text that memory is used over and over again in contemporary politics. This might be borne in mind when we see the African National Congress in South Africa making arguments that blame current circumstances on the apartheid past. This is not to say this is of course not true, but just that it serves a function for contemporary politics and their legitimation in South Africa.⁽⁶⁾ Memory in this sense is material; it counts, it serves a function. As Marx argued:

Men make their own history but not of their own free will; not under circumstances they themselves have chosen but under the given and inherited circumstances with which they are directly confronted. The tradition of the dead generations weighs like a nightmare on the minds of the living.⁽⁷⁾

Part of this remembering is the real need to create an overall awareness of the illegitimacy of authoritarianism and dictatorship. Derek Summerfield, a British psychiatrist has argued in favour of the retrieval of a common

memory in such societies because of the fact that "Those abusing power typically refuse to acknowledge their dead victims, as if they had never existed and were mere wraiths in the memories of those left behind.....Those with the power to abuse are the enemies of memory." It is a struggle over power, the power to remember and forget, that continues. So memory constitutes power in this regard. There remains two very practical aspects however. When we deal with the difficult question of justice in establishing inquiries in to the past, two aspects seem clear and these represent conflicting interests. A state in transition needs to maintain political stability and provide for national unity, but in many cases it also feels compelled to achieve justice by punishing perpetrators of heinous crimes. Punishment encompasses various theoretical strands: retribution, deterrence, compensation and perhaps the most important for a state in transition: the need to establish the rule of law and the political authority of the new dispensation. The dilemma that many transitional states face is whether prosecution would lead to political violence, perhaps even civil war which would weaken an already vulnerable democratic system. Reconciliation presents a strong argument against prosecution in this instance. International law and the political constraints which form part of this allow an affirmative obligation on the part of states to investigate and punish gross violations of human rights. Some have argued that this means that amnesty provisions are strictly illegal under provisions of international law; while others argue for discretion on the part of individual states. One approach would be to establish a hierarchy of crimes so that some of the most serious such as torture, extrajudicial killings and disappearances among others do not go unpunished. Others have argued that to punish or pardon is not simply decontextualised or abstract notions; the precise mix depends ultimately on the political context. There are numerous constraints which determine these inquiries into the past success or failure in the challenges facing a transitional government. Many new governments are constrained by the inheritance of the former regimes civil service, security institutions and

personnel who were previously loyal to the old government. This difficulty would be particularly problematic with the emergence of a new Palestinian state in which different factions vied for power (such as Hamas and Fatah) for instance in the past and who claimed legitimacy from different sections of the community. Emerging democratic dispensations have often sought to respond this typically by dismantling their apparatus of control, punishing or giving amnesty to the old officials of those regimes, providing some form of reparation for survivors and victims' and commemorating their struggle and sacrifice through monuments, statues and the renaming of streets and avenues amongst others symbolic gestures. Many inquiries into the past in this sense then are compromises and deals worked out within the framework of political negotiations surrounding transitions. This was the case in South Africa; in Palestine it would appear unavoidable.

THE CASE OF PALESTINE AND SOUTH AFRICA

Palestine and South Africa have many similarities in terms of their historical make up, their levels of conflict on an historical scale and the damage inflicted on their societies by institutions that failed to provide solutions to their problems, indeed one could say created and exacerbated their problems. They both have very large numbers of people who feel they have been victims of history; in the case of South Africa the Afrikaners have a very strong sense of settler identity which is under threat in the new dispensation (at least how they see it) and in Palestine, Israeli settlers constitute a serious problem to the development of a peaceful solution, not to mention the acute feeling of vulnerability that Israel perceives itself to exist in.

By the beginning of the 1990's a solution to the South African problem was on the cards and South Africa is now a functioning polity with a framework to chart its future. (though with different problems) The same cannot be said about Palestinian nation which is in an ongoing conflict with the Israeli state every day so any reference to lessons learned must be seen

from a hypothetical viewpoint. It is something for future concern, so while we might speculate and make suggestions it's important to realise these might not arise. However this is not all wishful thinking. There are many lessons from South Africa to be learned and how of course it managed its conflict and the process through which it succeeded.

It may of course seem superficial to compare the difficulties in South Africa to that of Palestine but both proved to be very long and almost interminable conflicts involving very large sections of the population pitted against each other and manipulated by political groups to maintain that status quo. Eventually South Africa changed because the situation proved untenable for the white government to sustain and it might be that the Palestinian situation will change because the Israeli government will be unable to sustain the occupation. Either way change will come or by drawing on the lessons of the past in other societies in transition we might learn how to manage and deal with it for the benefit of all. The South African Truth Commission was a groundbreaking and revelatory institution that attempted to expose the evil of apartheid, provide amnesty for political crimes and foster reconciliation among South Africans to promote nation-building and peace among other goals. If such a mechanism could prove useful to a current and future Palestine, these issues are worth exploring.

LESSONS

1. NATION-STATE BUILDING

The comparisons between South Africa and its nation building project and Palestine are numerous. In the case of South Africa for instance, Kader Asmal et al have noted in their text

that in moving away from the discredited governing consciousness of the past, we will need to build a new, shared and ceaselessly debated memory of that past. Without sustained remembrance and

debate, it will be difficult to develop a new South African culture with its various strands intertwined in constructive friction, rather than in mere conflict and mutual strangulation. This talk of shared memory must not be misunderstood or mystified. It is not the creation of a post apartheid volk or a stifling homogenous nationhood; nor a new fatherland. Nor is it merely the equivalent of every individual's mental ability to retain facts and arguments at the front of her consciousness. Such analogies between individual and collective memory are unhelpful. Rather, shared memory, in the intended sense, is a process of historical accountability.⁽⁸⁾

Throughout the state of transition in South Africa (which in itself is an unfolding process), there have been many controversial views expressed about nation building, ranging from wait seems like a fairly all inclusive from of nation building (the ANC's one nation project) to a reversion to tribalistic politics in which ethnic enclave form their own coherent units such as expressed in part by the Freedom Front.

In the post amble to the constitution it was argued that "the pursuit of national unity, the well being of all South African citizens and peace require reconciliation between people of South Africa and the reconstruction of society." And the "adoption of this constitution lays the secure foundation of the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge."⁽⁹⁾ However, nation-building is not an easy task in the new South Africa or in Palestine. The political violence that was characteristic of South African life continues to disturb and intimidate the process of democratic nation-building. As one author puts it:

In the light of the fact that more than 3000 people were killed in political violence during 1990 (almost ten per day), it may seem premature, if not downright presumptuous or perverse, to talk

about 'nation-building' when the 'nation' is clearly so viciously divided.⁽¹⁰⁾

NATION BUILDING AND POLITICAL LEGITIMACY

The Israeli-Palestinian conflict is one of the longest running conflicts in the world and perhaps the one that affects more countries outside of its boundaries than any other. Two national identities lay claim to the same area of land with religious, political and economic connotations. The shape of the conflict has led to immense polarisation on all sides and at times what seems like a level of “intractability” about the conflict. By 2006, the Palestinian side to make the conflict more complicated had divided into two sections; the largest party Fatah and the group known as Hamas. The result of this division was that the Palestinian National Authority (the interim government in the absence of a peace settlement) is divided between Fatah who control the West Bank and Hamas who control the Gaza strip. Despite the fact that Hamas won the Palestinian elections in 2006, it is not allowed to take part in official negotiations, as it is regarded as a terrorist organisation. There are at least 6 elements to the conflict to be addressed before they can move on : Jerusalem; the issue of refugees, Israeli settlements , security, borders and water. I will discuss two of them and how they relate to the South African situation.

Nation states then are ill defined and even more confusing conceptualised. They appear at once strong and fragile, subject to all sorts of intimidating forces threatening to disrupt their integrity. As threats to nation-states have become more and more widely defined in the post cold war period (cross border movements, refugees, and migrants), terrorism, pollution, and aids amongst other softer threats which are non-military so the nation state has seemed under threat more than any time. Nowhere is this more so than in the case of South Africa.; a state which according to the writers and views expressed here has never constituted a nation but rather

has exhibited a plethora of identities.

OTHER MECHANISMS OF NATION-BUILDING

It must be remembered that a Truth Commission only one mechanism in the process of nation-building, a view expressed over and over with the commissioners and different parties that I interviewed in South Africa.⁽¹¹⁾ There are a whole series of structures and methods which were introduced to perform reconstruction on society. The Minister of Justice, Dullah Omar introduced the Promotion of national Unity and Reconciliation Act (no.34 of 1995) with the introductory remarks that it would provide a “pathway” and a “stepping Stone” towards a new society. Other stepping stones were to include the Reconstruction and Development programme (RDP, the land Claims Court, the Human rights and Gender Commissions along with the transformation of the Independent Broadcast Authority among others as a means of support for the fledgling constitutional democracy. In this sense these institutions were to provide the back up and ways forward for the new South Africa in its transition to democracy.⁽¹²⁾ In Palestine similarly new institutions which encompassed groups previously disadvantaged and marginalised would have to be created; the problem of Palestinian refugees would have to be examined at some point, a particularly painful and controversial issue given the numbers.

Apartheid and its structures left South Africa with legacy of pain and hatred. It also left it with huge debts, much of which went towards bloated bureaucracies, national defence and protectionism in the economy, all designed to protect and promote the white minorities interests. As a result the vast majority of the population were left out of the system. Apartheid created entrenched inequalities and vested interests and in part the job of nation-building now is to overcome these. A report in 1997 claimed that:

Whites continue to enjoy a per capita income almost twelve times higher than that of blacks, and they own over 80 per cent of the land. Forty per cent of the nation's households--94 per cent black--are living below the poverty line of less than \$200 a month for a family of five. The earnings of this 40 percent of South African households, 64 percent which are in poor rural areas, account for only 6 percent of the national income. Reinforcing these income gaps are huge disparities in access to education, housing, health care, and employment opportunities.⁽¹³⁾

The plans to redress the imbalances of the past include detailed and systematic effort sat dealing with the priorities which were squandered under the old regime. This included housing, education, primary health care, the electrification of all urban and rural areas, water supplies for everyone and an improved postal and telecommunication service. The affirmative action programmes are already controversial amongst whites who see themselves on the losing end of these but the government sees them as vital to creating the sort of equality the political system needs to maintain stability. It is hard to imagine the economy developing a more equal balance in the labour force without attempting this policy. The Land Claims Commission for instance which was designed to redistribute and give back land which had been taken away in various periods in apartheids history. The Reconstruction and development programme, the newly instituted Human rights commission and the Public protector among others were signs that transformation, reconstruction and nation-building would take many faceted aspects in the new South Africa. The TRC never pretended to be equipped or capable of doing the whole job; in that sense it was and is just a mechanism among many. Similarly in Palestine many people have been left out of the any comprehensive development programme, with regard to land, perhaps the most contentious issue. Unemployment levels etc.

In South Africa, the democratically elected government in 1994 was given the mandate to implement transformative change; however it also had

to try and work within the new human rights context of South African society. The previous regime knew no such political and democratic constraints; it was free to pursue its policies to the detriment of millions of ordinary South Africans without fear that it would be punished. In short the process of transformation is also constrained by the “new rules of the game” that have emerged. This is fine; it is after all what the liberation struggle was all about.

Nation-Building often seems a romantic task, more suited to starry-eyed idealists and visionaries than policy makers seeking to grapple with the everyday pragmatics of running a large economic infrastructure. Some have argued that there has never been a South African nation, either before or after the colonisation of Southern Africa by imperial powers. In effect the South African nation never existed and that the present South Africa in itself is a product of colonialism, an invention by imperial powers.⁽¹⁴⁾

A M Grundlingh has also argued that this may be problematic:

The idea of ‘nation-building’, whatever its precise definition or content, is almost always seen to be a desirable goal. This probably stems from the fact that South Africa is badly in need of an inspiring vision that can contribute towards the healing of apartheid wounds and which can also counteract factionalism; the idea of reconstructing a ‘new South Africa’ and dispensing with the ‘old’ thus occupies the moral high ground. However salient the idea may be, and however laudable its aims may appear, it is short-sighted to accept the notion at face value as a panacea for all South Africa’s ills⁽¹⁵⁾

It seems as if South Africa has never really been a nation in the classical sense of what constitutes nation-hood. The political element is important to because it helps to define the nation and what it means. Similarly in Palestine we might question whether it has ever existed as a nation or is an imagined community

South Africa then is an invention; the result of bureaucratic decisions, not real political process. Its borders and boundaries might have been conceivably configured in a different manner. They are arbitrary markers. Much of South Africa exists precisely because of its divisions and the transactions which have been conducted round these. There is little agreement or consensus then on whether there is a common South African nation or even what that should constitute.

History has turned them into enemies. And yet they are, probably, the two groups of people in South Africa who have most in common. They share a collective consciousness of a nomadic and peasant existence. Both have been conditioned by tribal experience. Both have chosen Africa as an object of their deepest loyalties and understanding. Both have experienced oppression, and the agonies and acceleration of a struggle for liberation. In the deepest possible sense they belong together.⁽¹⁶⁾

It may be that this is comparable to the relationship that Israel has with Palestine. If we look at it from the classic native/ settler perspective in which the indigenous South Africans represent the natives and the Afrikaners and other groups the settlers and the Palestinians represent the natives and the Israelis and other groups (such as the migrants in a very real sense)the settlers then the comparison becomes more obvious.

Such a view has been echoed by anthropologists working in the field; the problem of the conflict between two different powerful claimants is thus expressed as this:

The most powerfully problematic issue in South Africa is the perplexing logic of identity that lies behind this. It is a country in which two nations both call themselves by the same name, Africans/Afrikaans; yet see each other alternatively as mortal enemies and sons of the same soil. They compete not just for land, but for Autochthony, the transcendent moral right to be of the land,

not merely on the land. This cultural struggle transcends mere politics.⁽¹⁷⁾

Such a description could be equally applied to the Palestinian-Israeli conflict. The next stage in the ANC's goals for South Africa's transformation clearly lies in the economic emancipation of the majority of poor people in the country; in practice this means the blacks and this will further fuel white fears and possibly deepen the racial tensions which are becoming more and more apparent. However, it is clear that Afrikaners see themselves in ethno-nationalist terms. They have a long history, culture, language and religion to draw on for their claims to nationhood and this is the same for Israelis. They see themselves as vulnerable, a frontier nation who have nowhere else to go. They feel part of Africa. As Allister Sparks has put it:

Unlike colonial settlers elsewhere in the world, they felt they had no metropolitan home to return to. They were Afrikaners, of Africa, and if they were forced to leave for any other continent--since there could be no further retreat here ...they would lose their national identity and suffer cultural death. So alongside their ethnic nationalism grew a sense of themselves as an endangered species, and the more the groundswell of decolonization swept across the world and down Africa, the stronger their paranoia became. South Africa was their god given homeland, the place which gave them their national identity, and if they were ever forced to share it with the black majority it would cease to be theirs and that would be the end of them, for they could conceive of no nation surviving without a homeland. They therefore equated racial integration with "national suicide."⁽¹⁸⁾

And Afrikaners, like many Israelis do feel the long hand of victimhood quite keenly. They have of course suffered genuine trauma from the apartheid conflict as well, as have Israelis from their ongoing conflict. One Afrikaner who lost his family to an ANC bomb asked the Truth Commission this

question:

Do you know, you the truth commissioners, how a temperature feels of between six and eight thousand degrees? Do you know how it feels to experience a blow so intense that it forces the fillings from one's teeth? Do you know how it feels to look for survivors and only find dead and maimed?⁽¹⁹⁾

The ANC's programme for nation-building does take into account the ongoing societal conflicts in an effort to link broad transformative goals such as reconstruction and development with a democratization of society, particularly the security forces who have played such a large role in the society's past misdeeds. Community participation is seen as essential to this process. All of this assumes some sort of shared values and I think the TRC at least in developing a common memory of the past can act as a bridge between a past where human rights and shared values were nonexistent to a future where these are made important. Any attempt to do likewise in an Israeli/ Palestinian settlement would have to take into account the same. In the new South Africa, a model of civic not ethnic nationalism appears to have been appropriated as part of the project to build democratic structures and foster nation-building and common identity. The creation of civic and civil society and the development of a new middle class are priorities for the government. This is important in the new South Africa where there are approximately 160 different ethnic groups. ; the construction of a nation state based on identity and linked to a "civic" and "territorial" version of nationhood has been a feature of the literature on nation-building. The lesson of nation-building for Palestine in the last instance must rest on what the two sides really want, a two state solution where Israelis and Palestinians live in different states or one state where both nationalities can be accorded equal human rights and exert citizenship. There is no doubt that South Africa has benefited from remaining intact as nation-state. The case for Palestine and Israel is less clear but it needs to be addressed.

LESSON 2

RECONCILIATION

Identity is memory. Identities forged out of half-remembered things or false memories easily commit transgressions.⁽²⁰⁾

The second most important lesson of the Truth Commission was its emphasis on reconciliation, again a vital aspect in the building of nationhood and building common ground. Like it or not the Palestinians and Israelis share this common ground

CONCEPTS AND VIEWS OF RECONCILIATION

Reconciliation often has religious and theological overtones; it's seen as having a spiritual dimension in the first instance. One hardly talks about the term in practical or pragmatic terms yet it is the latter that would probably provide more use than anything to the bridging of the divisions between the different groups in the new South Africa. For Desmond Tutu, the head of the TRC, reconciliation appears to have classical roots which have been "Africanised" to suit the circumstances and context of the society he lives in. While the church has argued that "you must forgive because God has forgiven you for killing his son." Tutu argues that "You can only be human in a human society. If you live with hate and revenge, you dehumanise not only yourself but your community. You must forgive to make your community whole."⁽²¹⁾

In Tutu's vision reconciliation is the start of change, the beginning of the reformatory process in society and clearly his vision for a new South Africa. Frank Chikane, the Secretary-general of the South Africa conference of Churches between 1987-1994 for instance has argued that the concept of reconciliation was initially being equated with the idea of negotiations, compromises and political settlements, that it had been politicised in these terms. He believes that this eschews the meaning or at least the deeper

meaning of reconciliation, a meaning which has a healing component. After all negotiations can take part in many different ways and it doesn't mean the parties to the disputes have had a real change of heart or resolved some of these complex issues at an ethical and moral level, simply because they are engaged in pragmatic political negotiations: "For me, the deeper and more "critical" meaning of the word "reconciliation" goes beyond the this simplistic understanding. It involves people being accountable for their actions and showing a commitment to right their wrongs. Ideally, South Africa needs voluntary disclosure--and I use this phrase in place of the theological term "confession."⁽²²⁾ Mamdani has argued that some authors like Kader Asmal et al when dealing with reconciliation have dealt with it in almost missionary zeal. The former asserts that their argument about reconciliation evolves in its initial stages from a form of political realism to religious propaganda They argue that the concept of reconciliation requires acknowledgement of the misdeeds and wrongs of apartheid by the perpetrators of these evil deeds. It's only this acknowledgement and reevaluation of the morality behind these acts that can lead to real reconciliation; "then only can reconciliation trigger real catharsis, a word which, in its original Greek, contains the ideas of purification and spiritual renewal. Reconciliation (forgiveness) is neither automatic, not a foregone conclusion; forgiveness is premised on confession, repentance and confession. But what if there is no conversion?"⁽²³⁾

This is a good question because it belies the reality of the South African and Palestinian situation. For others like Thabo Mbeki, the former president of South Africa, reconciliation could only come ipso facto. Any reconciliation will only be achieved after the transformation of society has taken place, and that for him means social and economic transformation in the first instance. In itself it is not the process but the end. Tutu sees both processes as means and the end, part and parcel of an overall development of a human rights culture. Another problem is between what Mahmood Mamdani calls the reconciliation between perpetrators and beneficiaries. In

South Africa there were few perpetrators and many, many beneficiaries. Should reconciliation take place between victims and perpetrators, or between victims and beneficiaries? What is the political basis of reconciliation he asks? How can we make it durable? All of these questions in that sense are tied in with the role of the TRC in nation-building and the development of a human rights question. In short there is no clear answer and it's too early to tell the contribution that might have been made.

We need in this sense to go beyond a formula which says all we need is forgiveness and we shall achieve reconciliation by virtue of simply uttering it. And perhaps this has been one of the most difficult tasks to understand and believe of the TRC. Whether many of the examples of contrition and pleas for forgiveness are no more than lip service, comprised of various other political and social agendas, such as attempts to secure amnesty for instance, and attempts to retain power in the view that this factor may be rapidly slipping away from the previous power structures. The material and positive incentive of being contrite to receive amnesty when you are in a difficult position belies any real moral contrition and heartfelt apology for the crimes of the past.

And yet for some it is exactly these public displays of grief, emotion and contrition which is what Tutu meant by reconciliation, a sort of psychotherapy on a mass scale to deal with the hurt and shame of the past. It is the cathartic outpouring, the weeping and the wailing which provides us with substantive, open evidence of reconciliation in this view.

As Tutu has argued "The premise underlying the commission is that it is possible for people to change, insofar as perpetrators can come to realise the evil of their acts and even be able to plead for the forgiveness of those they have wronged."⁽²⁴⁾ But in practice one must come to the realisation that there is enormous difficulty with trying to measure such phenomenon. In Antjie Krog's view "Reconciliation in this country is not between actual operators and victims, but between the beneficiaries (whites) and the exploited (blacks)"⁽²⁵⁾ Drawing on an academic article by Ron Kraybill, an American

who worked at the centre for Conflict resolution at the University of Capetown, Krog points out that the first necessary stage of reconciliation is withdrawal; a psychological response to the state of the nation; “the two nations are both affected, one by injury, one by guilt, and their first reaction is to withdraw from each other. People withdraw physically or mentally from each other after injury. We have heard in the Truth Commission how a mother says she does not even want to see a white person.”⁽²⁶⁾

ECONOMIC RECONCILIATION

Much of the conversation round reconciliation appears to reflect a spiritual, often religious dimension of what reconciliation means; in short a healing method for an society that needs healed. If only the TRC could lay it hands on the collective national psyche and achieve this. But it's not going to happen especially in the short run. Economic inequalities ran deep in South Africa (they still do) as they do in Palestine and are an area where the government can actively intervene to promote conciliation.

On the other side of the fence (and the other side of the country), Mangosuthu Buthelezi also stressed the economic, social side to reconciliation

The key to reconciliation remains that of social justice. The majority of the people of this country may have achieved the rights of political franchise, but they remain enslaved under the yoke of poverty, ignorance for lack of education, unemployment and lack of essential services such as health-care, electrification, sanitation and welfare. Almost 60% of our population live close to, or below the breadline and almost 40% do not have the benefit of formal housing. Eliminating apartheid has not redressed its legacy of social and economic imbalances. True reconciliation can only be achieved when we as country work together against the real enemy

of the people, which are poverty, ignorance and abject social and economic conditions.⁽²⁷⁾

It is difficult to see economic forms of reconciliation however given the massive inequalities present in the South African system and I often felt this was inappropriate. This he stressed was part of the far broader reconstruction and transformation of the country.

Many of the commissioners I talked to asserted there were many other commissions like the land restitution commission for instance dealing with land claims of people who had been forcibly removed from their land or had the deeds of their property destroyed. The Human Rights Commission, the gender Equality commission were also cited by one commissioner as important elements in the whole process of achieving national unity and reconciliation. There was also the various affirmative action policies, the economic policies and laws against discrimination have also been set up by the set up by the government to try and redress the issues of social justice This would certainly serve as a first stage in nation-building; to recognise the past through a common lens.⁽²⁸⁾ The Reconstruction and development programme (RDP when initiated in the White paper of 1994 by the Government of national Unity was also seen as an element in the basis for renewing society. As the White paper stated, “the RDP offers our country a unique opportunity to bring about renewal, peace, prosperity, reconciliation and stability.”⁽²⁹⁾ It was in effect a policy aimed at transforming the socio-economic relationships in society away from the past towards a vision of the future and in this sense it involved political compromise as well.

One implication of the term reconciliation is that there is something to return to. The notion implies that there was a previous, usually better state of being to which two then split apart parties should revert to, should come back together or should reconcile, rather like a husband and wife after they have been separated and felt animosity to one another, that they should put aside these divisions and get back together for the sake of a better future. And yet in general they have been on opposites sides of the fence for time

immemorial. It's often seen as a renewal of friendship after a quarrel between two friends. But what if they were never friends to begin with; what if there were no shared memories of a previous, happier time? What is there to reconcile to is an important question.. I think that the notion of conciliation may be a better idea for us to grapple with because conciliation has to do with gestures, with attempts to win support for and settle disputes.

RECONCILIATION AND HUMAN RIGHTS

Many of these comments were typical of responses I received from different members of the white population.

MBEKI ON RECONCILIATION

Transforming and reconciling South Africa after apartheid has proved to be a multifaceted challenge which involves a long time scale. Thabo Mbeki thinks this but has cast doubt on the ability of many in the white minority to understand this problem; and this seems to be evinced in the discussions and interviews I had with white South Africans, whether Afrikaner or English speaking. Mbeki argues:

The white population I don't think has quite understood the importance of this challenge....If you were speaking of national reconciliation based on the maintenance of the status quo, because you did not want to move at a pace that frightens the whites, it means you wouldn't carry out the task of transformation. You would not produce reconciliation on that basis. It might look so to the people who benefited from apartheid---everybody's forgiven us, nobody's after nationalising our swimming pools. It isn't, because you have the anger that would be boiling among the black people. So, you've got to transform society.⁽³⁰⁾

And yet despite these negative implications of peoples behaviour and the general political culture that seems to exist amongst many white people, it might be better to resist generalizations. For every rule in South Africa there seems to many exceptions and it is a place where preconceived notions can be easily destroyed.

CONCLUSION

Some have been upset by the suggestion that the work of the Truth and reconciliation Commission could have resulted in making people angrier and race relations more difficult, as indicated by a recent survey. It would be naive in the extreme to imagine that people would not be appalled by the ghastly revelations that the Commission has brought about. It would have been bizarre if this had not happened. What is amazing is that the vast majority of the people of this land, those who form the bulk of the victims of the policies of the past, have said they believe that reconciliation is possible. The trouble is that there are erroneous notions of what reconciliation is all about. 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 reconciliation at all.⁽³¹⁾

Truth commissions in the end may revolve around the question of identity. What kind of new identity do transitional societies wish to achieve? Does it wish to ignore the past? Does it want to remember it and pursue a means of dealing with it? Its clear that the truth commission means different things to different people. Michael Ignatieff has argued that South Africa at least represents a reasonable case for reconciliation however:

In places like Yugoslavia where the parties have murdered and tortured each other for years, the prospects for truth, reconciliation and justice are

much bleaker. These contexts, however bleak, are instructive because they illustrate everything that is problematic in the relation between truth and reconciliation. The idea that reconciliation depends on shared truth presumes that shared truth about the past is possible. But truth is related to identity. What to believe to be true depends on some measure, on who you believe yourself to be. And who you believe yourself to be is mostly defined in terms of who you are not.⁽³²⁾

RECONCILIATION IS A DIFFICULT QUESTION AND AN EVEN MORE DIFFICULT PROCESS.
LESSON 3
MEMORY AND CHANGE

We do not destroy this past of ours; it is indestructible. We carry it with us; its record is written deep into our lives. We only refuse to acknowledge it as our true past and try to make it an alien thing, something that did not happen to our real selves. So our national histories do not recall to the consciousness of citizens the crimes and absurdities of past social conduct as our written and unwritten autobiographies fail to mention our shame.⁽³³⁾

A nation divided during a repressive regime does not emerge suddenly united when the time of repression has passed. The human rights criminals are fellow citizens, living alongside everyone else, and they may be powerful and dangerous. If the army and police have been the agencies of terror, the soldiers and the cops aren't going to turn overnight into paragons of respect for human rights. Their numbers and their expert management of deadly weapons remain significant facts of life....The soldiers and police may be biding their time, waiting and conspiring to return to power. They may be seeking to keep or win sympathisers in the population at

large. If they are treated too harshly--or if the net of punishment is cast too widely--there may be a backlash that plays into their hands. But their victims cannot simply forgive and forget.⁽³⁴⁾

In the state of many of these countries fragile and vulnerable moves towards democracy, truth commissions have emerged as a middle ground often trying to avoid either end of the spectrum while coming to terms with the past. More often than not they appear as a result of negotiations and political compromises between the old and the new regimes themselves. The transfer of power is a long and complicated process from dictatorship to democracy. There are few places like South Africa where this statement holds more true. Pessimists of the South African situation see it as a hopeless case. Just before the first democratic elections in 1994, a book was released which described part of the problem or at least the at least the size of it:

It is the magnitude of reconstruction--economically, institutionally, and especially ethically--which more optimistic analysts of political transition overlook. The culture of corruption, moral bankruptcy, and ethical decay, the pessimists assert, has so undermined the social fabric that it would be naive to expect a democratic culture of accountability and integrity to replace the social degeneracy, regardless of the government in power.....In short, these skeptics argue, a mere exchange of political administrations or worse, an enlargement of the civil service can hardly succeed in producing a 50 percent illegitimate birthrate or a spiralling crime rate in the absence of moral renewal and the discipline of an alternative ideology.⁽³⁵⁾

However it is clear that there are attempts to clean up the moral and social fabric, that there is an alternative discipline in the view of non-racialism and human rights. We would be surprised if the social fabric could be ripped any further apart than it was under the old South Africa. The fact was that there was no social fabric for the vast majority of the population. They had always

lived in a society which excluded the very core of their being. In this sense it seems to me that the TRC is an attempt to create social fabric, to create and preserve memories which will help in reconstruction. It's not the full story as most of the commissioners reminded me, it was borne out of compromises and negotiations. But the very fact that two totally opposed groups could sit down and negotiate the future of South Africa was a remarkable step in itself. Could anyone have imagined such a situation ten years before the negotiations began? In chapter 1 of the Truth Commission report, it noted that:

The fact remains that the TRC had a mandate from the Parliamentary Act that created it; that mandate selected the work of the TRC as a process to deal with a violent past and to investigate human rights violations. Its is not a governmental office though because its time frame is limited. The solution to accountability was resolved thorough the use of amnesty based on individual application and the Act, not the TRC, established the conditions for the granting of this amnesty. Thus within the mandate of the commission was an attempt to develop conditions for forgiveness through individual accountability which identified perpetrators, asked victims to give testimony and provided measures for reparation and rehabilitation. If these sound like half-measures, one must realise that the TRC, like the new South African democracy was born out of a series of negotiations in which there were no outright winners and losers.

There are two crucial things that have come out of the South African Truth and Reconciliation Commission. The first is that it has achieved a remarkable and far ranging public exposure of the human rights violations and crime committed under the apartheid regime. In this sense it has created a record of the crimes of the past in a way that they will not be forgotten soon. It has significantly reduced the number of lies in circulation by forcing people to admit to crimes against the broad mass of the South African population. This is an important and necessary exercise in itself. In ten years or twenty years time, there can be no denial that these things happened. It

has forced a previously reluctant population (though of course there is still denial at one level) to see that apartheid was morally (and politically, economically etc.) indefensible); that it's a crime against humanity. It has produced an archive which allows people to examine their past and hopefully learns from it.

Secondly, it has allowed ordinary people to find expression for the suffering under the regime. It has had a completely cathartic function for many of the victims. Not all of the victims but many who suffered. It is in this sense that some form of reconciliation has already taken place. The TRC has given people a voice where previously there only existed silence and rage. In this sense there has been a therapeutic conversation taking place in South Africa. Of course as with all forms of therapy, there is a great deal of pain involved and some people have argued that it might be better if the cupboards of apartheid had not been opened and laid bare. However, this is problematic. There will be pain in the short run but I would argue that in the long run, South Africa will benefit tremendously from the process of the truth airing and victim experiences. At the same time it is clear that the truth, the whole truth and nothing but the truth has not fully emerged. And again this was only to be expected given the clandestine nature of the regime.

While the story of apartheid was self-denial, the story of the new South Africa is one of a much greater openness and willingness to face the past. What can no longer be denied has found its way to the TV screens, the newspapers, the public consciousness in a way as never before. We receive confirmation as Njabulo Ndebele points out:

The TRC provides a window on a very troubling aspect of South Africa's public culture--the subordination of the sense of injustice to ideology and self-interest on the part of the dominant group. The window can be closed on the onlookers; the television set and the radio can be switched off, the newspaper thrown into a corner, the Final Report ignored. But the point is that the window now exists. A body of information about what members of the dominant group

were prepared to do in defence of their interests, and how they justified those actions is available and can be used for purposes of moral reflection and civic education.⁽³⁶⁾

The exhuming of the past has been a victory for the TRC because it has enabled us to find some of the missing, identify and relocate them. One lawyer, Ilan Ix who worked with the Truth Commission had a very poignant and symbolic story about the work of that exhumation.

In the same way as you dig for the truth, you are digging for this person's remain. You find all the pointers and the indicators that show you where the ground was turned. Slowly, bit by bit, the clues show you that the person is there. Then you start finding the lime that was put on the body, that's the first thing you see, and then the bones. Then you check to see that all the bones are there, that you have all the pieces. And then you see tell-tale signs of how the person died. A neat little hole in the back of the head that a 9 mm bullet fits exactly. Then you have the families who are overjoyed at finding the remains of a loved one but who are also distraught with the confirmation of the death. But you have closure--they rebury that person's remains and can properly mourn and move on with their lives, and maybe even, in the best possible world, come to some reconciliation with the perpetrators by beginning to understand what happened.⁽³⁷⁾

Lastly, the TRC has allowed in a small way societal transformation and the establishment of the beginnings of a common identity. I am not arguing that all is rosy or hunky dory in the garden of reconciliation and nation-building but its a **process** which has started. It will take time and as we have seen there are other mechanisms which are designed to forge bonds and create common goals of transformation, but the TRC can play an important part in making people acknowledge the past, remember it and therefore ultimately and hopefully “get over it.”

What is interesting about this assessment of course is that it is completely negative; there is almost nothing which is reported on the positive and fruitful work of the commission in trying to bring about reconciliation, nation-building or its good efforts to heal society. It is simply a verbatim attack on apartheid and its structures. This may be fair enough but it does nothing to help the TRC or the environment it is trying to create. The fact that the ANC attacked the TRC report when it came out illustrates just how fair the process of the TRC was ultimately in achieving an evenhandedness.

In this notion it is an exercise in nation-building, a process imbued with an appreciation of everyone's rights within a democracy, and to some extent a positive model for others engaged in strife to follow. However, democracies don't simply emerge overnight. Even the Western liberal democracies which have been held up as models emerged over hundreds of years involving struggle and resistance by groups who were disenfranchised, excluded and left out of the system of governance. The majority of South Africa's people who have been so long excluded from their system are now incorporated into a democratic dispensation; it will take some time in order for them to learn as well as the previous advantaged minority, how democracy works. Democracies require habituation; they require time to forge the common understandings that allow their institutions to work in a free and open manner. Ernest Renan argued that nation-building demands that history be forgotten in order for the past to be remade in the image of the present.⁽³⁸⁾ In South Africa some would like to see a complete obliteration of memory, notably the national party and the IFP. One can argue that transitional societies like the "new" South Africa and Palestine to come require and need the past to be exhumed, sifted over and relived before they can have a fresh start and engage in a new and better life. The denial of the past and the impunity of those who held the reins of power needed and still needs to be challenged in order to begin rebuilding the social fabric of this multiracial society.

CONCLUSION

In South Africa the state claimed to be fighting a war against communist terrorists in order to justify their policies of apartheid. This resulted in the wide scale militarization of the state apparatus and the creation of secret security mechanisms which did not adhere to the rule of law in any form. In the Israeli /Palestinian conflict the Israelis have always calimed to be firghting terrorism to justify their policies. The war on terror has increased this justification because they have the backing of the USA. Therefore just about anyone who is opposed to the policies of the Isaeli government can be labelled a terrorist.rt of the irony of the democratic transition in the new South Africa is the problematic dependence which the society now has on the security forces and civil service of the apartheid state. The fact that private mercenary forces were allowed to operate on South African soil signifies the complex200 interaction and nature of politics here. In maintaining in part a closed culture of unaccountable and covert activity the difficulty lies in encouraging a civil service and state security system that "at best may be passively resistant and at worst actively hostile to new democratic initiatives."⁽³⁹⁾ More over it may be that South Africa is in a state of permanent transition as Robert Thornton has argued:

South Africa has often been compared and historical precedents evoked .Throughout the paper there has been some reference to other "historical precedents" which some authors have drawn onto to argue that apartheid was a form of genocide comparable to the holocaust and Nazism under Hitler.⁽⁴⁰⁾ Some have argued this is problematic; "Appalling though it was for blacks, and for many whites, apartheid did not involve the systematic extermination of millions of black South Africans."⁽⁴¹⁾ Similarly the occupation cannot be compared to genocide. According to Richard Goldstone, the South African judge and chief Prosecutor of the war crimes tribunals for the former Yugoslavia and Rwanda, the Nuremberg trials "were a meaningful instrument for avoiding the guilt of the Nazis being ascribed to the whole German people."⁽⁴²⁾ Could Truth Commissions be interpreted as a

meaningful way of preventing the ascription of blame to the collective populations of whose elites were responsible for such crimes?

In the sense that South Africa is in the process of transition and transformation, comparisons with other societies in a contemporary sense who are undergoing similar transitions from authoritarian to democratic status might be more revealing. In that sense the TRC like the new state has been a mixture of different elements and a hard won political compromise; it falls somewhere in between.

It is also difficult to make prescription because of the difficult political circumstances states in transition find themselves in. Juan Mendez argues for instance that

In the transition stage the wounds are disturbingly deep, the scars almost indelibly ingrained in what at times seems almost unbearable pain. The TRC is only one part albeit an important one in the healing process. As Alex Boraine, the co-chairman of the TRC notes:

As long as millions of people are without adequate shelter, basic health services and equal education, as long as they are jobless and have little prospect of employment in the near future, South African society will be in danger of disruption.⁽⁴³⁾

And similarly as long as Palestinians continue to live in disgraceful conditions with little hope for the future and little security, that volatile nation will always be prone to disruption. Indeed the lack of human security, protecting the individual, is what sets these conflicts apart because it is not the military or armed forces or servants of the estate who suffer the terrible victimhood we find but the ordinary people struggling to survive.

Truth Commissions and their emergence appear to have arisen in the recent past in a time of transition for many states. We have seen that most of the states producing these commissions have moved from authoritarian type regimes to democratic ones. In many cases part and parcel of these transitions and transformations in society have included an enquiry into a

traumatic past. Clearly in cases like South Africa and Chile we are dealing with more than a transition; we are dealing with an attempt at whole scale transformation to democracy. Therefore the ruptures may seem more difficult. If there is one country that might lay claim and stake to saying that its truth commission has grave import for the future of its settlement, then that country is the new South Africa. So the notion, the aspiration and the realization of fundamental change at all levels of society have accompanied transitions, transformations and Truth Commissions but clearly some more than others. I have tried to argue that South Africa's commission is one that will likely have more far reaching implications than most of the e others.

In that sense truth commissions must be oriented towards the future as well as the past; they must allow for the development of new space within which societies that have undergone traumatic histories can recover. They must in that sense be therapeutic; they must heal and they must be able to solve problems around the basis of their mandate. For Michael Ignatieff:

Truth Commissions have the greatest chance in societies that have created a powerful political consensus behind reconciliation, such as in South Africa. In such a context, Tutu's Commission has the chance to create a virtuous upward spiral between the disclosure of painful truth and the consolidation of the political consensus that created his commission in the first place.⁽⁴⁴⁾

THE STATE AND MEMORY

The final report of the Truth and Reconciliation Commission released in November 1998 came close to almost a million words, but this was nothing compared to the number of tears shed in the course of its reckoning or indeed the course of apartheid's horrific history. David Beresford said it was "the most important political testament to emerge from South Africa" thought it would be conservative to judge it as one of the more important

documents of the twentieth century. For him the “power of the final report lies in it being a “people’s testament”. The personal stories which are central to it offer a wealth of experience which is almost biblical in range, much of it horrific and difficult to digest, but with passages that speak with a simplicity which has its own majesty.”⁽⁴⁵⁾

There is an argument that the idea behind the TRC derives from Christian ideas of confession and absolution, ideas that Archbishop Tutu has been quite forceful in presenting. In South Africa, however, the Truth Commission sees itself as something more than a therapeutic exercise designed to exorcise the demons of the past; it represents a reconciliation of all people. An attempt in some senses to say "we've had a horrible past, let's have a good future." But let's not forget the past; rather we should have as complete a memory as possible to avoid these mistakes in the future, so that the rich and powerful can never again deny the undeniable. The therapeutic effect may be no more than the fact that the TRC has brought home to millions of average South Africans the scale and depth of the suffering of ordinary people under apartheid. However, if it achieves this level of awareness then it will have been a success. The commissioners and others I interviewed had different view on what constituted the purposes of the TRC, what its implications were and what its role in the new South Africa could be. But they were sure it was one thing; that is that it was a necessary process. Whether it achieved the full disclosure of the truth, it was a necessary process. Whether it achieved justice, it was a necessary process and whether reconciliation was brought about it was a necessary process. The South African TRC may have been a flawed mechanism; it may have reopened old wounds as its critics charged, but this would have been unavoidable anyway. The alternative would have been to let these wounds fester and rot under the surface of society until there was a real social explosion. Yes, there has been immense pain but we are entitled to ask the question so what in response to the critics of these revelations. Apartheid caused immense pain; therapy is rarely easy, almost always incomplete but

that doesn't mean it should not be attempted. Burying the past would have been the worst possible option for the new South Africa. It would have been starting out on a lie and no new democracy can really afford that if it is to firmly establish its political legitimacy and democratic credentials. It needed in this respect to be "worked through" One author has argued that truth commissions anyway are not supposed to overcome societal divisions. In that sense they do not have a reconciliation function:

It can only winnow out the solid core of facts upon which society's arguments with itself should be conducted. But it cannot bring these arguments to conclusion. Critics of truth commissions argue as if the past were a sacred text which had been stolen and vandalised by evil men and which can be recovered to a well-lit glass case in some grand public rotunda like the US Constitution or the Bill of Rights. But the past has none of the fixed and stable identity of a document. The past is an argument and the function of truth commissions, is simply to purify the argument, to narrow the range of permissible lies⁽⁴⁶⁾

The TRC then is not the grand inquisition, it's not a court of law, and it's a method of remembrance, a way of developing shared memories. These are good and noble goals and if they lead to reconciliation or conciliation and override the divisions in South Africa, then that would be a tremendous achievement. Unfortunately they won't, at least not in a starry eyed, naive way. There are still "icebergs of resentment" as one person who lost her father as a result of the apartheid system put it to me but who would not expect this. Apartheid was a devastating infringement on people's humanity and sense of dignity. Of course there are icebergs of resentment, some big enough to sink the Titanic we would imagine! The point is that if we are to have any hope for the future, mechanisms like the TRC offers us a chance to help thaw the icebergs and get on with forging shared values and attributes, allowing us to remember and not forget, but of course to learn from memory. ❖

NOTES:

1. Quoted in Peter N.Carroll (1990) *Keeping Time: Memory, Nostalgia and the Art of History* (London: University of Georgia press), p.209.

2. See Ian Buruma (1995) *The Wages of Guilt: Memories of war in Germany and Japan* (London: Vintage), p.247.

3. There are horrific figures on the casualties of civil wars and conflicts since 1945. For instance in 1996, there were 19 high-intensity conflicts (over 1000 deaths per annum being fought on a global scale. At the same time there were 42 low intensity conflicts (between 100 and 1000 deaths per annum being waged) and 74 lethal conflicts were also recorded. In 1996 alone there was over 130,000 conflict related deaths. Since the beginning of 1995, more than 37 million people have been displaced from their homes, an increase of 70% since 1985. Three per cent of the worlds GNP is being spent on the military. In dollar terms this is US\$700 billion. These figures and more are from the excellent book by Kumar Rupesinghe (with Sanam Naraghi Anderlini) (1998) *Civil Wars, Civil Peace: An Introduction to Conflict Resolution* (London: Pluto Press), p.24.

4. See Pitirim A. Sorokin (1962). *Social and Cultural Dynamics, Vol.3: Fluctuations of Social Relationships, War and Revolution* (New York: Bedminster Press), p.342.

5. See Paul Connerton (1989) *How Societies Remember* (Cambridge: Cambridge University Press), pps.1-4.

6. Fentress and Wickham for instance use the case of the French revolutionaries who had to “return” to the Roman Republic for the legitimization of their political action that did not depend on Kings. (See p.128)

7. See Karl Marx and Friedrich Engels (1968) *Selected Works: The Eighteenth Brumaire of Louis Napoleon* (Moscow: Progress press), p.95.

8. See Kader Asmal et. Al. (1996) *Reconciliation through Truth: A Reckoning of Apartheid Criminal Governance* (Cape Town: David Philips Publishers), pps.9-10

9. Mark Osiel has argued for instance that public memory of past misdemeanours have to be established before a transition to democracy can be successful. See Mark Osiel (1997) *Mass Atrocity, Collective Memory and the law* (New Brunswick, New Jersey: Transaction

Publishers).

10. See A. M. Grundlingh, "Nation-building and history in South Africa: Probing the pitfalls and prospects" in W. S. Vorster (Ed) (1991) *Building a New nation: The Quest for a New South Africa* (Pretoria: Unisa), p. 15.

11. This was particularly emphasised to me in an interview with Dumisa Ntsebeza, the Commissioner in charge of the Human Rights investigations. He argued clearly that the Trc is only one aspect in a larger process to achieve national unity and reconciliation. Richard Lyster, the commissioner for Durban and director of the legal resources centre there also expressed this view quite strongly. For him the Trc was just one of the many tools of transformation in South African society and there were a host of others that needed to be emphasised. Interview with Richard Lyster, 28th May 1998, Durban TRC offices, 1-2pm.

12. See Hansard (1995) *Debates of the National Assembly* Second Session, First Parliament, 16.18 May (Cape Town: Government Printers), pps. 1339-40.

13. See The Carnegie Corporation (1997) *A House No Longer Divided: Progress and Prospects for Democratic peace in South Africa* (New York: Carnegie Corporation), p.26.

14. See G.J. Pillay, "In Quest of a nation: Some Historical Pitfalls and stumbling blocks" in W.S. Forster (ed.) (1991) *Building a New Nation: The Quest for a new South Africa* (Pretoria: UNISA), p.1.

15. See A.M. Grundlingh, "Nation building and history in South Africa: Probing the pitfalls and prospects" in W.S. Forster (ed) 1991. *Building a New nation: The Quest for a new South Africa* (Pretoria: UNISA), p.16.

16. This is quoted in A.M. Grundlingh, see Cit. , p.25.

17. See Robert Thornton, "South Africa: Countries, boundaries, enemies and friends" in *Anthropology Today* Vol.10, No.6, December 1994, p.12.

18. See Allister Sparks (1994) *Tomorrow is Another Country* (Sandton: Struik Books), p. 7.

19. See Antjie Krog, "Overwhelming Trama of the Truth" in the *Mail and Guardian* (Dec.24th-Jan 9th, 1997).

20. This is a quote from Jose Zalaquett, the Chilean philosopher and activist who worked on the Chilean Truth Commission. See Antjie Krog, Ibid, p.24.

21. See Antjie Krog, "The Parable of the Bicycle" in the *Mail and Guardian* (February 7-13, 1997), p.24.

22. This is quoted in Mahmood Mamdani, "Reconciliation without justice" in the *Southern Review of Books* (November/December 1996). Reprinted in *Southern Review, African Political and Economic Monthly* March 1997, vol.10, no.6.p. 22

23. Ibid., pps.6-7.
24. See Archbishop Tutu, "Evil deeds do not make men monsters" in the *Natal Mercury* April 16 1997.
25. See Antjie Krog, "Risk is the first step to reconciliation" in the *Star* (24/7/98).
26. Ibid.
27. Interview (received questionnaire) Mangosuthu Buthe, December 4th 1998.
28. Interview with Richard Lyster, commissioner in Kwazulu-Natal, 28th May, 1998. Out of all the commissioners I interviewed Lyster placed more emphasis on the recovery of the truth as vitally important to the process. For him it was distinctly a truth commission as opposed to a reconciliation commission.
29. See the *White Paper on Reconstruction and Development: Government's Strategy for Fundamental Transformation*, September 1994, Section 0.2.
30. See "Who Is Thabo Mbeki?" in the *Economist* November 1st, 1997.
31. See Vol.1, Chapter 1 of the *Truth and Reconciliation Commissions Final Report* (www.truth.org.za/final/1chap1.htm) p. 6.
32. See Michael Ignatieff, "Articles of Faith" in *Index On Censorship* vol.5, 1996 pps.113-114.
33. This quote is by H. Richard Niebuhr, from A. Boraine and J. Levy (eds) (1995) *The healing of a nation* (Cape Town: Justice in Transition), xvi.
34. This quote is taken from a book by Judge Marvin Frankel entitled *Out of the Shadows of the Night: The Struggle for International Human Rights* and was quoted in the Foreword by the Chairperson, Revd. D M Tutu, Archbishop in *Volume One, Chapter One* (www.truth.org.za/final/1/chap1.htm), p.2.
35. See Heribert Adam and Kogila Moodley (1993) *The Opening of the Apartheid Mind: Options for the New South Africa* (Berkeley: University of California Press), p.217.
36. See Jonathan Allen, "Balancing Justice and Social Unity: Political Theory and the Idea of a Truth and Reconciliation Commission". Unpublished paper.
37. See "Closing wounds that won't heal" in the *Natal Witness* October 2nd, 1998, p.9
38. See Ernest Renan, "What is a Nation?" in H. K. Bhaba (1992). *Nation and Narration* (London: Routledge).
39. See G. Simpson and P. van Zyl (1995), p.3.
40. For instance see the Kader Asmal et al. book.
41. This was argued by A. W. Stadler, a Professor of Political Studies at the University of Witwatersrand in "Repression under apartheid cannot be equated with Nazi death camps" in the *Sunday Independent* (3/11/96). Brian Bunting has on the other hand drawn direct

comparisons of South Africa to the Third Reich in some detail. See Brian Bunting (1986) (revised edition) *The Rise of the South African Reich* (London: IDAF).

42. See Richard Norton-Taylor, "The Ghosts of Nuremberg" in the *Guardian Weekly* (31/12/95), p.6. In a recent text, Daniel Goldhagen asks whether Germans were collectively responsible for the Jewish holocaust and answers in the affirmative. See *Hitlers Willing Executioners: Ordinary Germans and the Holocaust* (Boston: Little Brown, 1996).

43. See A. Boraine and J. Levy (1995), p.xiv.

44. See Michael Ignatieff, "Articles of faith" in the *Index on Censorship* No.5, 1996, p.113.

45. See David Beresford, "How could they try to gag history" in the *Mail and Guardian* November 6-12, 1998, p.22.

46. See Michael Ignatieff, *Ibid.*, p.113.