

Reconciling South Africa or South Africans? Cautionary Notes from the TRC

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Abstract: This article argues that the question “Are South Africans reconciled?” is meaningless unless the sense in which the questioner is using the word reconciliation is made clear. Such questions do not get us far in understanding the truth and reconciliation commission (TRC) as one's interpretation of the term "reconciliation" will necessarily influence one's evaluation of the TRC's work. It argues that the linking of success with reconciliation, in any case, is problematic for two reasons: first, many people tend to confuse “aspiration with empiricism,” and, second, the conflation of truth with reconciliation obscures the many contributions, besides reconciliation, that truth commissions make to society. Finally, it explicates the multiple meanings of the concept of reconciliation, and offers two models of reconciliation in South Africa, Individual Reconciliation (IR), and National Unity and Reconciliation (NUR). It then assesses how these models were manifested in the TRC, especially through its final report. It concludes with examining the implications and consequences of the fact that there are multiple meanings of the word for how the TRC has been, and should be, evaluated.

INTRODUCTION

“How successful was the Truth and Reconciliation Commission?” Antjie Krog, a journalist, claims in her memoir *Country of My Skull*, that this is the question she is most often asked. More specifically, she notes, “the biggest question is whether or not the TRC process achieved reconciliation.”¹ Indeed, the question of whether truth seeking in South Africa resulted in reconciliation is one of the most poignant questions that has emerged from the seven years of work of the world’s most prominent truth-telling mechanism: the South African Truth and Reconciliation Commission (hereafter called the TRC).² Even before its work concluded, South Africans, journalists from around the world, architects of potentially similar truth-telling mechanisms in other countries, and scholars of transitional justice began asking variations of the assessment question: Was the TRC a success? What did it achieve? And, most frequently: Are South Africans reconciled? While these questions are natural and to be expected, and indeed extremely important, they are rather easy to ask but somewhat more difficult to answer.

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This article addresses two aspects of the linkage of the TRC's success with the concept of "reconciliation." While evaluation of the contributions of truth commissions in general, including the South African commission, is clearly necessary, the (over)emphasis of doing so by linking success with reconciliation is problematic. First, the article highlights some pitfalls of this linkage. Second, it explicates the multiple meanings of the concept of reconciliation, and assesses how these meanings were manifested in the TRC, especially through its final report, followed by an evaluation of the implications and consequences of the fact that there are multiple meanings of the word that is widely seen as the basis on which the TRC has been and will be evaluated. This article outlines an analytical framework which, hopefully, provides a degree of conceptual clarification which will allow scholars and others to move away from making large, overarching claims that the TRC was (or was not) successful because people in South Africa are (or are not) reconciled. The underlying assumption in this article is that it is not particularly helpful to begin the process of evaluation by asking whether the TRC effected reconciliation because the answers are more complicated than the simplicity of the question suggests, and because such questions do not get us far in understanding the TRC as one's interpretation of the term "reconciliation" will necessarily influence one's evaluation of the TRC's work.

PROBLEMS WITH THE ASSESSMENT QUESTION

Figuring out how to ask and answer assessment questions in a meaningful and productive way is arguably one of the most important tasks that practitioners and scholars of transitional justice can take on. The questions "what is the best way to assess the contributions of a truth commission?" and "how do we assess the success of a particular commission?" must be confronted before any realistic and systematic evaluation of the contributions of truth commissions can be undertaken. The difficulty of this process is pointed out by Timothy Garton Ash who asks, "By what criterion is 'success' to be judged in the first place? Is it Truth? Justice? Reconciliation? Closure? Healing? National Unity? Prevention of future abuses?"³ Further questions follow from Ash's: if it *is* one of these, how would one go about determining the level of reconciliation, or the degree of healing, or how much national unity has been achieved? Yet more questions arise. Two frequent goals of truth commissions include the promotion of a human rights culture and the restoration of the dignity of victims. How do we know a human rights culture when we see it? How do we define human dignity? These questions are difficult and must be grappled with if any meaningful assessment is to be undertaken. To date, the literature on assessing truth commissions has been plagued by two problems. One might be called the "aspiration for empiricism" problem, and the other is the constant reiteration of the causal claim that "truth leads to reconciliation," to the degree that it has now taken on the quality of a truism.

One feature of the assessment literature is what might be called the phenomenon of equating "aspiration with empiricism." Frequently, claims about truth commissions are presented as fact, when, in reality, insufficient empirical work has been done to substantiate them. Priscilla Hayner notes this phenomenon, stating, "Unfortunately, many comfortable assumptions have been restated over and over again in untested assertions by otherwise astute and careful writers, thinkers, and political leaders. . . . Some of the most oft-repeated statements, and those that we perhaps most wish to be true, are due careful scrutiny."⁴ When a statement is repeated often enough (such as, "truth commissions provide healing for victims"), over time it will take on the quality of common wisdom, the evidence for which seems too obvious to mention. The problem, of course, is that in the absence of such evidence, we simply do not know if these "statements of fact" are

indeed that. The exact opposite could also be true: truth commissions might exacerbate anger and pain. More likely, as anecdotal evidence suggests, the reality lies somewhere between these two positions. One explanation for the frequency of unexamined statements might be that people so badly wish them to be true, with the result that these statements tend to have a 'wishful thinking' and declaratory quality to them. In other words, aspirations are often taken for empirical facts. In relation to this, Jonathan Allen asks, "Does anyone really know that truth commissions secure the benefits of healing, catharsis, disclosure of truth, national reconciliation, etc.? It is problematic to confuse aspiration with predictions, to justify truth commissions by means of what amounts to wishful thinking (or at least, not very thoughtful wishing)." In the end, Allen argues, some of the claims concerning the tasks of truth commissions are better understood as moral claims than as empirical statements.⁵ In summary, claims about what transitional justice mechanisms can and cannot deliver too often appear in the form of unqualified axioms and unsubstantiated presuppositions. They are, as Michael Ignatieff writes, "not so much assumptions of epistemology as articles of faith about human nature."⁶

A second problematic aspect of the assessment question in the literature is the linkage of truth with reconciliation. The concepts have become so closely associated that the connection may now be permanently cemented, as the terms "Truth and Reconciliation" are joined in what is increasingly becoming the norm in titling truth commissions. This particular linking of two concepts—truth and reconciliation—has been reiterated so often that it has achieved the status of a truism. James Gibson argues that "truth commissions are based on the assumption that truth, *ipso facto*, can contribute to reconciliation; that learning the truth will somehow convince citizens to put the past behind and move on toward the democratic future."⁷ Likewise, Priscilla Hayner notes: "Does truth lead to reconciliation? This is perhaps the most oft-repeated notion in the territory of truth-seeking."⁸ Jonathan Allen notes that this linkage persists despite the fact that "the thought that reconciliation requires truth is not very plausible as a general empirical rule." [9] The idea that truth is unequivocally linked to reconciliation was given further weight with the adoption of the slogan "Truth: The Road to Reconciliation" by the South African TRC. Soon thereafter came the publication of a well-known book on the South African TRC titled *Reconciliation Through Truth*, coauthored by Kader Asmal, who was intimately involved with the creation of the commission.¹⁰ This Truth à Reconciliation model is so taken for granted that often little attempt is made—beyond the provision of anecdotal evidence—to determine whether it is in fact true, either in general or in specific cases. For at least two reasons, however, this model is probably not the most helpful or sophisticated way of trying to assess the contributions of truth commissions. The first problem with this presumed model is that it conflates success with reconciliation. In other words, the Truth à Reconciliation presumption has become so commonplace that the assessment of the contribution of any particular truth-telling process has become, almost by definition, the presence or absence of reconciliation. In other words, if Truth à Reconciliation becomes the basis of evaluation, then the success question becomes "Are these people reconciled?"¹¹ Reconciliation is no longer one of several possible contributions of truth telling; it becomes the *sine qua non* of assessing success. Priscilla Hayner notes that "the goal of reconciliation has been so closely associated with some past truth commissions that many casual observers assume that reconciliation is an integral, or even primary, purpose of creating a truth commission, which is not always true."¹²

The problems with this conflation are obvious. First, it makes "seeing" reconciliation a prerequisite for evaluating impact. Unless there is a perceived widespread increase in the number of individuals "getting along," a truth-telling mechanism will be deemed to not have contributed

much to a post-conflict society. Of course this inference would undoubtedly be premature, given that reconciliation, however defined (an issue which will be discussed in more detail below), is a very slow process. Second, anecdotal evidence supports both sides of the question on whether people are reconciled. As Jonathan Allen notes, "the evidence seems to be mixed, varying both from country to country and from individual case to individual case."¹³ Sometimes, individual victims report experiencing genuine feelings of "catharsis." Just as often (if not more so), however, they report that feelings of anger and frustration have not diminished in the least. Given this mixed evidence, Allen asserts, "it is doubtful whether any general claims whatsoever can be made about the capacity of truth commissions to secure the claimed benefits, even for individuals."¹⁴ Finally, focusing only on the presence or absence of reconciliation as a basis for assessing contributions of truth-telling mechanisms runs the serious risk of overlooking various other ways in which they *are* successful, or the many contributions they *do* make. If we judge a mechanism by asking whether people are reconciled, we are less likely to be able to say, "this experiment with truth telling made serious contributions to long-lasting peace." And yet, almost every attempt at coming to terms with the past has some accomplishments. It makes little sense to simply pronounce such attempts a failure; it makes more sense to examine what they *have* achieved and where improvements can be made.

In the South African case, variations of the "truth leads to reconciliation" model were obvious throughout the life of the TRC. A few examples should suffice to provide a flavor of the model in the South African context. While commenting on legality of the TRC, Constitutional Court judge I. Mahomed offered his own, lengthy, interpretation of the envisioned model:

Much of what had transpired during the past conflict was shrouded in secrecy. The truth had been concealed and was not easily accessible. The Act sought to address this massive problem by encouraging a public unburdening of grief on the part of the survivors and families of victims so that they could be helped to discover what in truth had happened, and to receive the collective recognition of a new nation that they had been wronged. The truth which was so desperately desired would be more likely to be forthcoming if the perpetrators of past violations were encouraged to disclose the whole truth with the incentive that they would not receive punishment if they did. . . . In the process, families of victims and the survivors would be better enabled to discover the truth; perpetrators would also have the opportunity of relieving themselves of a burden of guilt or anxiety with which they might have been living for many years. In the process the country would begin the process of healing the wounds of the past, transforming anger and grief into an understanding and thereby creating the climate essential for reconciliation and reconstruction.¹⁵

Charles Villa-Vicencio, the director of the TRC's research department, offered his take on the Truth to Reconciliation model much more succinctly: "The underlying principles of the legislation are that imprisonment is not essential. Truth is."¹⁶

On occasion, individuals inside South Africa voiced a certain level of discomfort with the fact that the "TRC Truth will lead to Reconciliation model" tended to be taken for granted more than investigated. One psychiatrist, for example, was concerned that, "there has been far too little genuine debate about the nature of social healing and what surely promotes it."¹⁷ The presentation of the model as fact as opposed to proposition was facilitated by the South African media, as in the following opening sentence of a *Sowetan* editorial: "The principle that only a complete and truthful disclosure of past human rights abuses can guarantee lasting reconciliation is now well established."¹⁸

TWO MODELS OF RECONCILIATION

One reason the Truth à Reconciliation connection is so problematic is because there is no single meaning of the concept of reconciliation. Defining the concept has proven difficult and, despite—or perhaps because of—the proliferation of scholarship on the subject, no single agreed upon definition exists.¹⁹ And although Susan Dwyer's assertion that "curiously, given the frequency with which the term 'reconciliation' is used, no one is saying what it is," might be a slight exaggeration, it is true that the word tends to be used indiscriminately, with authors seemingly presuming that their readers naturally know what they mean by it.²⁰ As a result, seldom is anyone talking about the same thing when using the term. In the South African case, despite the TRC's popularizing of the term, it never provided the country with a clear definition of what it really meant. This is not a problem solely in the popular use of the word among South Africans. The sloppy use of the term plagued South African scholars and even people within the TRC itself. This has at least four consequences: first, people were confused about the goals of the TRC, about what it could and could not realistically deliver. Second, a so-called "reconciled" South Africa will look differently to different people, depending on their understanding of the term. Third, through the linking of the success of the TRC with reconciliation, one's assessment of this success will likely differ depending on one's interpretation of reconciliation. Finally, it is possible that conceptual confusion has led to criticisms of the TRC, which may not be appropriate. The remainder of this article is devoted to addressing these issues surrounding the lack of conceptual clarity about the term reconciliation. It also attempts to enhance this clarification, in an effort to foster a more sophisticated understanding of how to think about the most appropriate way to answer the endless variations of the question "Was the TRC successful?"

It would be almost impossible to believe that reconciliation could be understood as a single concept. Rather, it is a complex concept; one which might be best described as multi-dimensional. Any attempts at defining and measuring it should, therefore, be approached with a certain degree of caution. Still, this attempt must be made, if the accomplishments of the TRC are to be properly understood. One approach to doing this is to think of reconciliation as falling into two distinct and overarching categories. While different scholars use slightly different phrasing, the first type of reconciliation can be called interpersonal or individual reconciliation (IR). Under this interpretation, reconciliation happens to individuals—usually between two people, but sometimes with oneself. The two individuals most often involved are the victim and the perpetrator—although these two terms themselves are in serious need of conceptual clarification. This model thus focuses on the need to reconcile victims and perpetrators of gross violations of human rights. The IR model of reconciliation generally takes one of two forms; it is associated with either a religious paradigm or a medical/therapeutic one.²¹ The medical model emphasizes the healing of individual victims, their experience of catharsis, and/or the restoration of broken relationships. The role of truth telling in these processes is portrayed as that of a caregiver.²² One TRC commissioner, Wynand Malan, called this model the Religious Paradigm, which emphasizes a "religious conversion model of confession, repentance and forgiveness."²³ Wilhelm Verwoerd posits that the "ideal" version of this model would appear as follows: a perpetrator comes forward, expresses remorse for his/her actions, and apologizes for them. The victim accepts this apology and forgives the perpetrator. In the process, both individuals experience a sense of healing. Less desirably, reconciliation can happen in the absence of one of the main actors (i.e., either the perpetrator or the victim). In this case, the individual reconciles

with him/herself, which might best be called "healing." Verwoerd acknowledges that his model is only an ideal, fraught with potential problems: what happens when perpetrators refuse to apologize, or utter insincere apologies, for example?²⁴ Jonathan Allen explains that in this model, there is a tendency towards the use of therapeutic language, the interpretation of terms such as forgiveness and reconciliation along religious lines, and the use of the language of "restoring" personal friendships or relationships.²⁵

This interpersonal understanding of reconciliation is sometimes called "thick" reconciliation which, according to David Crocker, is characterized by "a shared comprehensive vision, mutual healing and restoration, or mutual forgiveness."²⁶ Richard Wilson also uses the thick/thin distinction, noting that elements of thick reconciliation include "confession, forgiveness, sacrifice, and redemption."²⁷ Finally, Jonathan Allen argues that in the IR model, "unity is seen as a 'thick' or direct, face-to-face relationship such as family, kinship, or friendship."²⁸ In sum, those working from an IR model tend "towards the use of therapeutic language, the interpretation of terms such as forgiveness and reconciliation along religious lines, and the use of the language of 'restoring' personal friendships or relationships."²⁹

The language associated with "individual reconciliation" can be found throughout the TRC's final report. In his foreword to the multi-volume report, TRC chairperson Archbishop Tutu asserts that, "the key concepts of confession, forgiveness and reconciliation are central to the message of this report...."³⁰ Moreover, the report highlights that the targets of healing are both victims and perpetrators, either with each other or with themselves. On the healing/therapeutic process of story telling for victims (envisioned as one of the major functions the Human Rights Violations Committee), the report says the following:

Making a statement to the Commission brought relief to some. The experience itself helped to break an emotional silence, started the process of integrating experiences that had been repressed or shut out for years, alleviated feelings of shame, and, in an atmosphere of acceptance, began to restore dignity and self-respect.³¹

One victim reported that he had literally been healed by the process of story telling: "I feel that what has been making me sick all the time is the fact that I couldn't tell my story. But now it feels like I got my sight back by coming here and telling you the story."³² Acknowledging that victims are not the sole objects of healing, the report refers to the healing of perpetrators as well, stating:

A commitment to reconciliation and healing means that the psychological plight of individuals who were involved in the perpetration of gross human rights violations and their families should be acknowledged. Like victims, perpetrators need to be given space to examine their emotional reactions and to reintegrate what has probably been disassociated from their emotional life. . . . Perpetrators share with their victims the potential for and experiences of post traumatic stress disorder.³³

As with victims, the report provides evidence that individual reconciliation did, at times, occur for perpetrators: "the Commission also listened to perpetrators describing in awful detail the acts of terror, assassination and torture that they inflicted on so many over so long a period...."

Encouraging, were the expressions of remorse and a seeking for forgiveness on the part of some of those who applied for amnesty."³⁴

While presented here as a straightforward model of reconciliation between victims and perpetrators, the "individual reconciliation" model is, obviously, rather more complex and multi-dimensional. The different permutations of individuals in need of reconciliation is vast: victims with themselves; perpetrators with themselves; victims with perpetrators; victims with victims, and community members with other community members, to mention but some of the complicated relationships between victims and perpetrators.³⁵ Moreover, there are degrees of interpersonal reconciliation, such as the different forms of apology, from "I'm sorry, please forgive me," to "I accept political and moral responsibility" for my actions. Finally, while the history of apartheid tends to be discussed by the TRC in terms of victims and perpetrators, and quite often portrayed literally as a black and white conflict, as one scholar notes, "this is a misleading version of history and events and eschews the nuances and ambiguities of an often complex, difficult and problematic conflict in which there appear as many perspectives as colours in the new version of the rainbow nations."³⁶ Despite these complexities, there is, I believe, a distinct model of "individual reconciliation," which can be identified in discussions surrounding the TRC; a model with which the following terms are overwhelmingly associated: healing, apology, forgiveness, confession, and remorse.

Simultaneously, a second reconciliation model appears alongside the first in the South African context, one that is distinctly different from the first. Although the term is unwieldy, the second model is best described as "national unity and reconciliation" (NUR). If the first model is associated with either a religious or medical paradigm, the second one is most closely related to a political one. The units of analysis are not individuals in this case, but sociopolitical institutions and processes. As in the first model, different scholars and activists describe NUR slightly differently, although again each description contains the same basic elements. Wynand Malan describes NUR as "a call for a commitment to share a future and for each, in his or her own way, to build towards that future. It calls for a commitment to respect law and the procedures and processes laid down by the Constitution."³⁷ For Jonathan Allen, NUR (although he does not explicitly use this term) consists of several phenomena.³⁸ It includes an understanding that cultural diversity is not to be regarded as a threat but as an asset, or at least as a reality to be accepted rather than engineered away; an acceptance (and even a welcoming) of an element of political discord as a healthy sign; the existence of free institutions, political competition, and the rule of law to mediate political unity; an understanding of political unity in terms of an allegiance to a framework of institutions, laws, and practices that guarantee the negative liberty of individuals; and an insistence that political is compatible with--or even requires--certain kinds of political divisions and disagreements.³⁹ Richard Wilson offers slightly different language for the NUR model in South Africa, one in which "the state should strive to build legitimate and representative state institutions which respect fundamental human rights" and in which it is the state's responsibility to "create a culture of rights based up an inclusive and democratic notion of citizenship."⁴⁰ For James Gibson, one important aspect of NUR is "the development of a political culture that is respectful of the human rights of all people."⁴¹

This approach to reconciliation, unlike the first one, assumes that former enemies are unlikely to agree with each other or even to get along very well. The best that can be hoped for in an NUR process is enhanced peaceful coexistence. In contrast to the thick reconciliation detailed above, the NUR model has been referred to as thin reconciliation, in which "people hear each other out, enter into a give-and-take with each other about matters of public policy, build on

areas of common concern, and forge compromises with which all can live."⁴² Wilson states that unlike the "thick" or religious approach to reconciliation, "thin" reconciliation refers to a secular model.⁴³ As with the first model, the language of NUR appears throughout the final TRC report, such as in the following testimony: "A true human rights culture is a democratic culture. At the heart of a democratic culture is a tolerance of divergent views and understandings of the past, present, and future. . . . National unity and reconciliation is a society with its members relaxed, a nation democratically at peace with itself."⁴⁴

Like the Individual Reconciliation model, the National Unity and Reconciliation model is complex. Both must be thoroughly analyzed and their nuances acknowledged. Within each category—individual versus national—further conceptual clarification is called for. For example, not all forms of national unity would serve the objectives of the TRC. Both authoritarianism and some forms of nationalism claim to place national unity as their highest priority. This is not a national unity which would be fit with the NUR model embraced by the TRC. As Allen states, authoritarian understandings of political unity tend to emphasize the importance of maintaining order in the face of subversive threats, while an increasing trend is evident under some forms of nationalisms: those who do not line up behind the nationalist project are increasingly excised from the national—either through death or forced removals. Both of these interpretations of the concept National Unity regard dissent—collective or individual—as a threat which needs to be combated.⁴⁵ This is clearly *not* the understanding of National Unity in the NUR model, which is most closely associated with the following terms: tolerance, peaceful coexistence, rule of law, democracy, human rights culture, conflict resolution, transparency, and public debate.

The existence of these two different understandings of one concept leads to several questions which must be addressed if we are to properly assess the TRC's contributions towards reconciliation in South Africa. How did the existence of two separate models for reconciliation play out in the work of the TRC? How did the TRC incorporate two fundamentally different models into its understanding of its work? What was the relationship between both models in South Africa: did they coexist side-by-side as parallel processes, or did the two interact in any ways? Finally, what are the consequences of this distinction for the way in which the TRC—and by extension other truth telling mechanisms—will/should be evaluated by scholars?

THE TRC AND THE RECONCILIATION MODELS

The multiple uses of the term reconciliation in South Africa was "not merely the result of an irresponsible and sloppy press or even an uninterested and callous public. Unfortunately, the origins of the confusion lie within the TRC's own inability to maintain conceptual clarity on the subject."⁴⁶ The TRC was established by an act of Parliament, the Promotion of National Unity and Reconciliation Act no. 34 of 1995. This Act grew out of the interim constitution that had been negotiated by various actors as a transitional institution that would allow for a democratic election and the creation of a constitutional assembly, which would ultimately draft a final constitution. In order to understand how the framers of both the interim constitution and the TRC Act interpreted "reconciliation," one therefore needs to examine these documents. Herein lies a problem: neither the interim constitution nor the Promotion of National Unity and Reconciliation Act provides a clear definition of reconciliation, and evidence of both the IR and NUR interpretations can be found in each. Indeed, one encounters this problem right from the beginning: with the Act's title. Should the Promotion of National Unity and Reconciliation be

read as: "National Unity and Reconciliation," which implies the NUR model, or should it more properly be read as "National Unity" and "Reconciliation," which more easily leaves room for both an NUR and and IR interpretation of the concept? Unfortunately, the conceptual vagueness in the title is not clarified in the Act's language. However, the framers' understanding of this term can be gleaned from the section dealing with the objectives and functions envisioned for the TRC (chapter 2, section 3, subsection 1 of the Act). The Act reads, "The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflict and divisions of the past."⁴⁷ The Act elaborates on this statement by providing four specific objectives and tasks:

- a) Establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from 1 March 1990 to the cut-off date which became 10 May 1994, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings;
- b) facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act;
- c) establishing and making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and by recommending reparation measures in respect of them;
- d) compiling a report providing as comprehensive an account as possible of the activities and findings the Commission contemplated in paragraphs (a), (b), and (c), and which contains recommendations of measures to prevent future violations of human rights.⁴⁸

Two observations are immediately obvious. First, reconciliation is never clearly defined in this mandate. None of these four tasks provides any further definition or explanation of either "National Unity" or "Reconciliation." There appears to be an underlying assumption that these four tasks, once completed, will have in some ways contributed toward, or effected, reconciliation in South Africa. How and why this is true is never discussed. The model is stated as a given, rather than as a proposition to be investigated. The second observation is that strands of both the individual reconciliation model and the NUR model can be found in the four stated objectives. Specifically, the third objective (restoring the dignity of the victim) hints at the individual level of reconciliation with its emphasis on individual (especially victim) healing. Still, it is crucial to note that no discussion of apology or forgiveness by perpetrators and victims appears anywhere in this mandate. In contrast, the fourth objective (the prevention of future human rights violations) falls closer in line with the NUR model of reconciliation, with its emphasis on the creation of a human rights culture, and democratic institutions. The consequences of this "mixed" approach to the concept of reconciliation in the very mandate of the TRC are profound, and discussed below.

Despite the TRC's genesis in the interim constitution, the concept of reconciliation is even more vaguely defined there. The Act was created to fulfill the last-minute provision of amnesty attached to the interim constitution in the form of a "postamble," which reads:

The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society. The adoption of this constitution lays the secure foundation for 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 the legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not vengeance, a need for reparation but not for retaliation, a need for *ubuntu* but not victimisation. In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law...providing for mechanisms, criteria and procedures, if any, through which such amnesty shall be dealt with at any time after the law has been passed.⁴⁹

As the sole purpose of the postamble was to provide amnesty for past offenses, "perhaps not surprisingly it does not go into depth about what is meant by the term 'reconciliation'—the three references to the term explain nothing beyond that it is 'required,' 'needed,' and that the granting of amnesties will somehow 'advance' it."⁵⁰ Nothing else is said concerning reconciliation, what it means, and how it is to be achieved. The only objective for achieving this provided here is amnesty, and it is not until the TRC Act, the mechanism adopted for granting amnesties, that other potential methods are fleshed out. This passage epitomizes the promulgation of a model for achieving reconciliation in which the core concept is not defined, nor the mechanism tested. Noah Silverman states, "The etiology of the concept 'reconciliation' in the TRC's two principal founding documents demonstrates the vague objectives bequeathed to the commissioners. While they valiantly strove for clarification, they achieved little by way of standardization."⁵¹

The TRC, once constituted, was left to its own devices to wrestle with both the definition of the term and how to structure its work to best facilitate it. And the TRC did, in fact, spend considerable energy attempting to define and operationalize the concept. The fruits of this labor are most evident in its almost 3500-page five-volume final report. While a discussion of reconciliation can be found throughout the report, the Commission's own understanding is made most explicit in three sections. The most detailed analysis is provided in the thirty-page chapter entitled "Concepts and Principles" (volume one, chapter five). The section on reconciliation opens with the statement that "the interpretation of this concept was highly contested."⁵² Despite this acknowledgment, or perhaps because of it, the report sidesteps any serious grappling with these contestations, referring instead to two "essential elements" of the concept: that reconciliation is both a goal and a process; and that there are different levels of reconciliation. Four "levels" are identified: with one's-self, between victims and perpetrators, within a community, and at a national level. One can glean some insight into the TRC's emerging understanding of the multi-dimensionality of the concept in these levels. The first level is concerned primarily with closure, i.e. "the reconciliation of victims with their own pain" or of perpetrators "with their guilt and shame."⁵³ The second level is concerned with "forgiveness and

healing” between victim and perpetrator. The third level argues that reconciliation is not only necessary between “the oppressed black population and the state,” as there is also a real need for intra-community reconciliation. The fourth level raises the difficult issue of “reconciliation between those who benefited from the past and those who continue to be disadvantaged by past discrimination.”⁵⁴

One can infer elements of both models in the discussion of these various levels. For example, the first level of reconciliation is “coming to terms with the painful truth,” in which the disclosure of truth helps people to reach closure and to make peace with their past. Victims become reconciled with their own pain and perpetrators come to terms with their guilt and shame.⁵⁵ The IR model is also exemplified by the second level in which victims and perpetrators reconcile with each other. The NUR model is evidenced in level four, the national level, in which the report states: “the most the Commission could and should hope for, at least in the short term, was peaceful co-existence. Thus, a healthy democracy does not require everyone to agree or become friends. However, a culture of human rights and democracy does require respect for our common human dignity and shared citizenship as well as the peaceful handling of unavoidable conflicts.”⁵⁶

While the delineation of “levels of reconciliation” is a step towards acknowledging that the concept is indeed complex and multi-dimensional, the understanding of reconciliation offered by the TRC did little to clarify the distinction between the two models of reconciliation. Moreover, rather than helping to clarify the concept, this delineation may well have hurt it, because the two models of reconciliation are presented as a matter of scope, as opposed to a difference in type. In other words, the TRC’s discussion of reconciliation implies simply an increase in the number of people--from an individual (oneself) to two individuals (victim and perpetrator) to a group of individuals (the community) to the nation. However, as noted below, the two models of reconciliation (the individual and the NUR) cannot be seen in such an additive way; and that they may, in fact, be fundamentally opposed to each other.

Thus, while an explicit discussion of reconciliation occurs in the “Concepts” chapter, the discussion provided there did not exactly settle the muddy waters in which the concept is floating around in South Africa. The second place where the TRC provides insight into its understanding of reconciliation is the 45-page chapter on “Recommendations,” (volume five, chapter eight). These recommendations were issued as part of its mandate and were aimed at various sectors of society, including primarily the government, but also the faith and business communities, among others. As these recommendations are specifically aimed at achieving reconciliation in South Africa, these sections serve as a guidepost for the TRC’s understanding of how this might occur. And here an important development must be noted: while a few recommendations are offered for the achievement of individual reconciliation, the overwhelming emphasis of the recommendations is the promotion of national unity and reconciliation. This emphasis was made clear in the chapter’s introduction which indicates that what would follow would be a “series of recommendations related to specific areas of the public and private sectors that the Commission believes could assist in the consolidation of democracy and the building of a culture of human rights.”⁵⁷ And, indeed, the recommendations which follow are primarily aimed at “the creation of a human rights culture” and the transformation of many institutions, including legal and judicial institutions, prisons, the health system, and the security forces. This is not to say that no attention is paid to the individual level of reconciliation. The chapter does contain a smattering of references to such language as apology and forgiveness, healing and rehabilitation, and the dignity of victims. Still, in this particular chapter, these references are few and far between in

relation to the language associated with the NUR model, as evidenced in the chapter's conclusion, in which the TRC states: "For reconciliation to develop, it is imperative that democracy and a human rights culture be consolidated. Reconciliation is centered on the call for a more decent, more caring, and more just society."⁵⁸ In both its introduction and its conclusion to this chapter, the TRC's focus remains on the NUR model of reconciliation.

It is a striking, then, to note that the final section in which the TRC reveals its understanding of reconciliation—the 85-page chapter entitled "Reconciliation" (volume five, chapter nine)—is marked by a singular emphasis on the individual model of reconciliation. The contrast is made more striking by the fact that this chapter immediately follows the one containing recommendations. The focus of the chapter, the introduction states, is to "underline the vital importance of the multi-layered healing of human relationships in post-apartheid South Africa: relationships of individuals with themselves; relationships between victims; relationships between survivors and perpetrators; relationships within families; between neighbours...."⁵⁹ Indeed, the third paragraph of the chapter contains all of the following concepts associated with individual reconciliation: healing, dignity, forgiveness, apology, restitution, and the rebuilding of relationships.⁶⁰ The chapter then proceeds to discuss the TRC's reconciliation work almost exclusively in language associated with individual reconciliation, such as in the following passage:

Extracts from testimonies before the Commission illustrate the varying ways and degrees in which people have been helped by the Commission to restore their human dignity and to make peace with their troubled past. They include cases where an astonishing willingness to forgive was displayed, where those responsible for violations apologized and committed themselves to a process of restitution, and where the building or rebuilding of relationships was initiated.⁶¹

To underscore this individual interpretation, the chapter draws heavily on the transcripts of testimonies in which individuals discuss the impact the TRC has had on their personal lives, such as the following quote from a former conscript: "The Commission has deeply affected my life in a short space of time. . . . It has begun a healing process in all sorts of relationships in my family and has enabled me to begin on my own road to inner healing."⁶² With subheadings titled "Towards the Restoration of Human Dignity: Victims," "Towards the Restoration of Human Dignity: Perpetrators," "Forgiveness," "Apologies and Acknowledgments," "Towards Reconciliation Between Victims/Survivors and Perpetrators," and "Reconciliation without Forgiveness," the attention paid to an understanding of reconciliation that incorporates the NUR model is negligible; indeed, one finds scant acknowledgment in this chapter of the existence of this alternative understanding.

In sum, the TRC was given little guidance from either the interim constitution or its founding act on how to interpret the core concept at the foundation of its mandate: promoting reconciliation in South Africa. The Commission therefore had to develop its own understanding of reconciliation. However, throughout its writings, the TRC never provided a clear definition of the concept. Moreover, it tended to take a "mix and match" approach to the different interpretations of reconciliation. While the Commission was aware that two distinct interpretations of reconciliation co-existed in its work, it had a tendency to move back and forth between them, at times almost conflating their difference by referring to aspects of both in one discussion (as in the "Concepts" chapter), and at other times seeming to ignore the existence of one by an over-emphasis on the other (as in the "Recommendations" chapter, as opposed to the "Reconciliation" chapter, and vice versa).

IMPLICATIONS OF THE TWO MODELS FOR ASSESSING THE TRC

One major implication of this inconsistent, sometimes sloppy use of this term is that it has affected the ways the TRC has been judged. As detailed above, the TRC gave mixed messages to the public regarding its own understanding of the institution's work. Archbishop Desmond Tutu, the Commission's chairperson and the international symbol of the TRC, more often than not invoked the individual reconciliation model, with its emphasis on apology and forgiveness. In his foreword to Commission's final report, Tutu set the tone for what would follow. He writes, "The key concepts of confession, forgiveness and reconciliation are central to the message of this report."⁶³ Time and again, when talking about the work of the TRC and his visions for a future South Africa, Tutu used such language as "On the whole we have been exhilarated by the magnanimity of those who should be rights be consumed by bitterness and a lust for revenge; who instead have time after time shown an astonishing magnanimity and willingness to forgive. It is not easy to forgive, but we have seen it happen....Dear fellow South African, please try to bring yourselves to respond with a like generosity and magnanimity."⁶⁴ Others affiliated with the TRC, however, spoke from an NUR understanding of the TRC. Then-Minister of Justice Dullah Omar, introducing the Promotion of National Unity and Reconciliation Act to Parliament portrayed the TRC as a pathway which would "commence the journey towards a future founded on the recognition of human rights, democracy and peaceful coexistence, and development opportunities for all South Africans irrespective of colour, race, class, belief or sex."⁶⁵ And, despite the fact that the TRC acknowledged that a "potentially dangerous confusion" existed between "a religious, indeed Christian, understanding of reconciliation, more typically applied to interpersonal relationships, and the more limited, political notion of reconciliation applicable to a democratic society," the TRC itself contributed to this confusion.

As the TRC itself noted, this confusion was "potentially dangerous." Why? First, the coexistence of two distinct understandings of reconciliation has consequences for the evaluation of the TRC. The two definitions of reconciliation may, in fact, be fundamentally at odds with each other, making their indiscriminate use even more problematic. The IR (or thick understanding) model of reconciliation is predicated on a notion of overcoming divisions and disagreements; it is a model that envisions harmony. By contrast, the NUR (or thin) approach to reconciliation assumes that political disagreement and conflict are intrinsic to politics and that an element of political discord is to be accepted and even welcomed as a sign of a healthy society.⁶⁶ In sum, one approach to reconciliation requires people to get along; the other assumes they won't. The two models may well stand in tension with each other as societies ask their citizens to try to reach closure on their pasts for the sake of national unity. Michael Ignatieff warns against foreclosing individual reconciliation in the name of national unity, saying that societies who use truth-telling mechanisms to indulge in the illusion that they have put the past behind them in fact do little more than foster false reconciliation, which in the end will result in more harm than good.⁶⁷

Second, the multiple uses of the term reconciliation in South Africa set up a disjuncture in how the work of the TRC was viewed, a discrepancy which is currently being played out in discussions of how one is to judge the "success" of the TRC. The disjuncture is this: Archbishop Tutu became perhaps *the* overwhelming symbol of the TRC. Images of him in his flowing purple robe, exhorting Winnie Mandela to apologize were beamed around the world. As a result, the popular equation of the TRC with Archbishop Tutu emerged, not just in South Africa, but internationally. With his rhetoric of reconciliation, which included a notion of confession and

forgiveness, many people came to expect that this level of reconciliation would be delivered by the TRC. This dynamic was explained by Anglican Reverend Rowan Smith, Dean of St. George's Cathedral in Cape Town: "when the Chairperson appears in his cassock and wearing a crucifix . . . it seems almost to indicate that this is the way in which one must understand truth and reconciliation. I don't think it is his purpose to do that, it's simply who the person is."⁶⁸ However, there is ample evidence, as detailed above, that the framers of both the interim constitution and the Promotion of National Unity and Reconciliation Act had in mind a notion of reconciliation that more closely resembled the NUR model. Nowhere does the act lay out an expectation of individual apologies or acts of forgiveness, for example. The influence and symbolism of Archbishop Tutu, then, unintentionally fostered an expectation of the TRC in which an individual sense of reconciliation could result, with its accompanying notions of apology and forgiveness. In contrast, however, the framers of the Act had in mind a vision of the TRC's potential contributions which relied not on an individual sense of reconciliation but on a national, more political, one.

There is an ironic consequence to this disjuncture: The TRC is most likely to be judged in a way that makes it least likely to appear successful. In other words, whereas many people tend to view the TRC through a lens of interpersonal reconciliation, the TRC's contribution is far more likely to occur in the realm of National Unity and Reconciliation, because its mandate covered this area and because individual reconciliation cannot be legislated. While individual reconciliation may be the ideal, judging the TRC by its ability to deliver this outcome may not be fair. As Charles Villa-Vicencio has argued, contrition cannot be imposed, and forgiveness, even when it is possible, is rarely more than a first step. Rather, "peaceful co-existence, governed by a culture of human rights and the dismantling of the structures that made human rights violations not only possible but often inevitable, is perhaps more important, at least for the present, than forgiveness and reconciliation."⁶⁹ It is at this level of reconciliation that questions of the TRC's success are most appropriately asked.

This disjuncture is yet more ironic because the TRC was the first to acknowledge its own limitations and shortcomings in terms of being able to provide healing and individual reconciliation. Krog notes that "in terms of repairing and healing the trauma of the victims, the TRC itself was the first to declare that this was, singularly, its biggest failure."⁷⁰

CONCLUSION

Clearly the answer to the question so often posed to Antjie Krog—"Did the TRC process achieve reconciliation?"-- is almost meaningless unless the sense in which the questioner is using the word reconciliation is made clear. Scholars have only recently begun to undertake empirical assessments of truth commissions. Assessing outcomes was not possible until enough empirical data about "experiments" with truth telling were available. Although it undoubtedly will take decades to fully understand the impact of the TRC and its contributions to post-apartheid South Africa, it is not too early to begin refining how to ask the "success" question. Disaggregating "reconciliation" into its individual and political dimensions is one step in that process. More importantly, understanding the TRC's impact—in terms of reconciliation, for example—will require the clear and consistent usage of the term by those evaluating it in order to avoid the perpetuation of competing and often contradictory interpretations. The continual slippage between different meanings of the concept will only serve to "frustrate the potential of appropriating and implementing the positive outcomes gleaned from the TRC's work."⁷¹ Silverman states that "There is nothing wrong with multidimensional or multilayered

conceptualizations for, indeed, reconciliation is a multifaceted concept. The crux of the issue is navigating between multiple understandings of reconciliation in such a way as to maintain conceptual intelligibility.”⁷² Reconciliation is but one concept in need of clarification before the contributions of the truth commissions in general can be fully understood. Almost every concept associated with truth commissions, including truth, justice, forgiveness, national unity, and human rights, among many others, could stand more rigorous scrutiny.

Although it may well be too early to determine how much reconciliation the TRC achieved, either in terms of individual or national reconciliation, early evidence suggests that it succeeded and failed on both levels. In terms of individual reconciliation, one could not help but be moved by the powerful instances of healing for victims or interpersonal reconciliation between victims and perpetrators. The ability to forgive was sometimes astounding, as in the case of the widow of a disappeared activist husband who found out through the TRC process that he had been kidnapped and killed, his body roasted over a fire for six hours, and his ashes dumped into a river. After the TRC hearing, she declared, “Don't we want peace for South Africa? How are we going to find peace if we don't forgive? My husband was fighting for peace for all of South Africa. How can you correct a wrong with a wrong?”⁷³ On the other hand, the painful struggle for forgiveness was often equally evident at the TRC, such as in the case of one mother of an ANC comrade who was drugged by security police and pushed off a cliff in a van to his death stated, “I will never forgive them. I want to see them dead like our children.”⁷⁴ Despite the fact that some Commissioners expressed that “our biggest regret is that we failed the victims,” the Commission deserves credit for having changed the lives of those who were able to forgive and apologize and for those whose experiences with the Commission did result in healing, its lack of an explicit mandate to do so notwithstanding.⁷⁵

In terms of the more political interpretation of reconciliation, the evidence is similarly mixed. Krog registers her concerns about such NUR qualities as transparency and the rule of law: “As time has passed, it has become clear that old habits die hard. . . . While the TRC was exposing the horror of the country's death row, the population was baying for the reinstatement of the death penalty. Switching on the radio in the middle of a bulletin, it is sometimes difficult to make out whether the story of torture is relating a historical occurrence or reporting current news.”⁷⁶ All in all, however, Krog is optimistic about the state of national unity in South Africa. While individual reconciliation may not be present in abundance, she argues, “what we do see daily is reconciliation as one of the most basic skills applied in order to survive conflict.”⁷⁷ Most importantly, she notes, in terms of both individual and national reconciliation, “the goal is not to avoid pain or reality, but to deal with the never-ending quest of self-definition and negotiation required to transform differences into assets. Reconciliation is not only a process. It is a cycle that will be repeated many times.”⁷⁸

NOTES

1. Krog 1998, pp. 384-85.
2. The TRC was signed into law by President Nelson Mandela on July 19, 1995. The Commission's final report was handed to President Mandela on October 29, 1998. The Commission was officially closed on March 28, 2002, although some outstanding amnesty applications were heard until early 2003.
3. Garton Ash 1997, p. 36.

4. Hayner 2001, p. 6.
5. Allen 1999, pp. 316-17.
6. Ignatieff 1996, p. 110.
7. Gibson 2001, p. 1 (*italics in original*).
8. Hayner 2001, p. 6.
9. Allen 1999, p. 317.
10. Asmal, Asmal, and Roberts 1996.
11. How does one know, for example, that the South African TRC was successful? By asking the question, “Are South Africans Reconciled?”, as the BBC did in a special report in 1998 after the TRC submitted its interim report to parliament. See BBC Online Network 1998.
12. Hayner 2001, p. 30.
13. Allen 1999, p. 316.
14. Allen 1999, p. 316.
15. *Constitutional Law Reports* 1996, p. 1017.
16. Villa-Vicencio 1998a, p. 411.
17. *Truth and Reconciliation Commission of South Africa Report* 1998, vol. 5, p. 356 (hereafter referred to as *TRC Report*).
18. Quoted in *TRC Report*, vol. 5, p. 434.
19. Within the field of transitional justice, the scholarship on reconciliation is vast, and growing. Examples include Bronkhorst 1995, Lederach 1997, Lederach 1999, Rigby 2001, and Bloomfield, Barnes and Huyse, 2003. Scholarship on the concept of reconciliation in South African-specific context has been prolific as well, and include, for example, Battle 1997, Connor 1998, Graybill 2002, and Gibson 2004. For Lederach, reconciliation is actually a place where truth, mercy, justice, and peace intersect. Lederach 1997, p. 29. In a much more rigorous social-scientific manner, Gibson—writing from the South African context—divides the concept into four subconcepts, including interracial reconciliation, political tolerance, support for the principles of human rights, and legitimacy. He then further defines each subconcept. Gibson 2004, p. 4. However one of the major arguments of this article is that, more often than not, the concept is left undefined by scholars.
20. Dwyer 1999, p. 82.
21. These are obviously broad categories, with nuances as well as disagreements within each group.
22. Martha Minow explains this “healing” approach in relation to the study of truth commissions: “advocates of truth commissions argue that telling and hearing narratives of violence in the name of truth can promote healing for individuals and for society.” Minow 2000, p. 241. The healing metaphor is sometimes applied to a country as a whole. Tina Rosenberg, for example, finds “striking parallels” between truth commissions and the therapeutic process of dealing with victims of post-traumatic stress disorder. She adds further that, “if the whole nation is suffering from post-traumatic stress disorder, this process would be appropriate for the whole nation.” Rosenberg, quoted in Steiner, ed. 1997, pp. 24-25.
23. *TRC Report*, vol. 5., p. 442. The religious model of reconciliation, while found extensively in the literature, is perhaps best summarized in and is the sole focus of, the edited volume by Raymond G. Helmick, S.J., and Rodney L. Petersen, eds. (2001).
24. Verwoerd 1999.
25. Allen 1999, p. 349.
26. Crocker 2000, p. 108.

27. Wilson 2001, p. 122.

28. Allen 1999, p. 341.

29. *Ibid.*, p. 349.

30. *TRC Report*, vol. 1, p. 16.

31. *Ibid.*, p. 367.

32. *TRC Report*, vol. 5, p. 352.

33. *Ibid.*

34. *TRC Report*, vol. 5, p. 307.

35. In relation to community members, the report notes, "the difficult challenge of reconciliation within black communities: between those who fought against the apartheid system and those who were seen as 'collaborators' because they participated in state structures (black councillors) or helped to enforce the apartheid system (black police, 'kitskonstabels')". *TRC Report*, vol. 5, p. 362.

36. For an analysis of the concepts of victims and perpetrators in the context of the South African TRC, see Borer 2003.

37. *TRC Report*, vol. 5, p. 443.

38. Allen refers to three separate types of political unity that correspond to the concept of NUR used here: civic republicanism, pluralist constitutionalism, and liberal constitutionalism. For a detailed discussion of each, see Allen 1999, p. 20.

39. Allen 1999, p. 341.

40. Wilson 1996, pp. 5-6.

41. Gibson 2001, p. 12.

42. Crocker 2000, p. 108.

43. Wilson 2001, p. 121.

44. *TRC Report*, vol. 5, p. 412.

45. Allen 1999, pp. 339-40.

46. Silverman 2004, p. 3.

47. *TRC Report*, vol. 1, p. 55.

48. *Ibid.*

49. *Ibid.*, vol. 1, p. 103.

50. Silverman 2004, pp. 4-5.

51. *Ibid.*, p. 7.

52. *TRC Report*, vol. 1, p. 106.

53. *Ibid.*, p. 107.

54. *Ibid.*, p. 109.

55. *Ibid.*, p. 107.

56. *Ibid.*, p. 108.

57. *TRC Report*, vol. 5, p. 305.

58. *Ibid.*, p. 349.

59. *Ibid.*, pp. 350-51.

60. *Ibid.*, p. 350.

61. *Ibid.*, p. 350.

62. *Ibid.*, p. 353.

63. *TRC Report*, vol. 1, p. 16.

64. *Ibid.*, p. 18. Tutu's almost exclusive focus on religious symbolism did not always sit well within the Commission and among Commissioners. It was one reason Commissioner Wynand

Malan insisted on writing a minority report to accompany the final (majority) report. In his report, Malan notes, "The danger of applying religious frames to phenomena in general should not be underestimated. . . . Unfortunately, expectations of particular behaviour determined by a religious frame, were once again imposed on communities seen as actors in the conflict." *TRC Report*, vol. 5, pp. 439 and 442. See also Silverman 2004, pp. 13-14.

65. *TRC Report*, vol. 1, p. 48.

66. Allen 1999, p. 341.

67. Ignatieff 1996, p. 110.

68. "Transforming Society Through Reconciliation: Myth or Reality?," 1998.

69. Villa-Vicencio 1998b, p. 2.

70. Krog 1998, p. 385.

71. Silverman 2004, p. 2.

72. *Ibid.*, p. 19.

73. Quoted in Hayner 2001, p. 3.

74. Quoted in Wilson 2001, p. 140

75. Krog 1998, p. 373.

76. Krog 1998, p. 378.

77. *Ibid.*, p. 385.

78. *Ibid.*, p. 386.

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