



## Making history: South Africa's Truth and Reconciliation Commission

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*Can society's need for healing override the search for justice? The apartheid system that murdered Gillian Slovo's mother faced its crimes not in a courtroom, but in a Truth and Reconciliation Commission (TRC) hearing. In making her experience part of South Africa's search for the truth of its past, she explains how the country's innovative TRC helped reconcile it to its devastating wounds.*

Leaving aside the huge policy issues involved for any nation emerging from dictatorship, emotional barriers also have to be overcome. This is something countries such as Afghanistan and Iraq will have to face in the future, alongside all the problems caused by external intervention. The process will be a human one, not just a matter of economics or institution building. For civil peace – if not justice – to come about, the crimes and violence of the past have to be confronted.

But can public accounting and confession help achieve reconciliation? This is the question posed by Marina Warner's luminous and wide-ranging historical survey of the politics of apology and reconciliation. She concludes it with South Africa's Truth and Reconciliation Commission (TRC) using my novel as a way into her discussion of the episode. In this way, she links literature and politics, as I sought to do, to gain access to the experiences, often very painful and changeable, and to test their inner integrity.

The South African process is now one of many (which [openDemocracy](http://www.openDemocracy.net) has begun to map). Marina suggests it

is exemplary because it combines the truthful confrontation of coexisting enemies. It thus meets her suggested condition that apology works best, and perhaps only, between real opponents, unlike the process of apologising for the past, or for the actions of one's predecessors. George Lawson in his comparison of South Africa with those in Chile and the Czech Republic concurs with her judgement, while Michael Rebehn illustrates the uncertain nature of what took place.

My interest in the TRC is political and also personal. My mother, Ruth First, was assassinated by a parcel bomb sent to her in Mozambique by the South African security forces. My father, Joe Slovo, helped to create the Commission which would permit her assassin to go free.

For me, the most important fact about understanding South Africa's TRC is that it was a dynamic uncontrollable process. This is why it made such an impact. It contained within it both those qualities for which it has been rightfully admired – the healing of a

new society, the unveiling of varied truths – but also many disturbing paradoxes and contradictions.

### On the brink of destruction

Let us begin at its beginnings, that period between 1990 (the release of Nelson Mandela and the unbanning of the African National Congress (ANC) and other organisations) and 1994 (South Africa's first democratic election). In those four years while the two main parties were negotiating their peace, it looked as if the country might be destroyed. Political violence, third force murders, slaughter on the trains; in that interim period all these were everyday occurrences. More people were in fact killed in political violence in those four years, than in the previous thirty. With fears of a right-wing revolt, possibly backed by the might of the South African army, what was at stake was whether the new South Africa would ever be born.

My father, Joe Slovo, was part of the ANC negotiating team. Month after month, he sat with his fellows in that chrome and steel building on the outskirts of Pretoria in Kempton Park, trying to carve out a deal that would bring peace. In doing this, my father and his comrades had to wrestle with something unexpected. They had to wrestle with the very ideal that had sustained their liberation movement during its long years of exile and imprisonment – the fantasy, if you like, that one day there *would* be victory, that there *would* be judgement, that they *would* oversee the new South Africa. Now they had to face the fact that this would not come to pass – or at least, not in the way that they had formerly imagined it. They had to negotiate the outcome not 'win' a victory.

In hindsight, it is easy to see how stark was the choice facing them. While right was on their side, might still rested firmly in the hands of their former enemies. There had been no ANC military victory. Nor could there be one. The ANC could not impose its peace; this would only ever come about if they managed to persuade the National Party to give up the reins of power voluntarily.

The sticking point was clear. The then apartheid government said, yes, we know that the end has come. We are prepared to have one person, one vote elections and to give up our absolute power. But only if you

guarantee that our politicians, our policemen and our army officers will never be put on trial for the things that they did.

Without an outright victory, without the means of wresting power from the apartheid government, the ANC had to agree to this.

The idea of the TRC was born as a result. The National Party wanted a blanket amnesty. They wanted to compile a list of their people to be given immunity from any future prosecution without question. The ANC refused this. The final compromise was that amnesty would be granted only to individuals, and only after individual application.

### Realpolitik

This was the nature of South Africa's agreement: the transfer of power without a previous settling of historic rights and wrongs. Out of a need to end bloodshed and to find a way forward, came political transformation of power without a social transformation. As my father often used to put it: the day after the first democratic election (and thus after the inevitable change of government in South Africa) South Africa would still be the same country as it had been the day before.

Thus, part of the longing for justice that had always fuelled the liberation movement had to be given up to achieve the success of the liberation movement. And yet, within the agreement to do this lay the seeds of another idea: that a political compromise could nevertheless be turned into a project for peace, truth and its own special form of justice. Alongside the amnesty provision, the ANC insisted on two more: that the TRC must organise hearings that would allow people to speak of what had been done to them, and that it would also help settle the issue of reparation for past wrongs. Here lay the paradoxical role of the TRC – it was a commission set up to draw a line under the past, to seal it up so that it could not contaminate the future, to expose the truth about past illegalities without throwing the weight of the law against them, and to offer compensation without revenge.

Into the lexicon of everyday language in South Africa, crept a new word. The ANC, now the architects of compromise, had been girding themselves to explain

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why they had given up the right of the South African people to justice. Before it came to that, however, they themselves were offered a different interpretation of their concessions. What they had done, it was suggested, was exchange retributive justice (or legal punishment) for *restorative* justice: a justice that would direct attention to the needs and participation of the victims and, in that way, help repair the damage done. My father, one of the architects of the final settlement, put it this way: the best revenge, he said, that I can think of for those men who murdered my wife, is that they be made to live in peace in a system that they had fought so brutally against.

It sounded right. It sounded true. Restorative justice – that was what the TRC was all about. But ... for such a settlement to become reality, what was required was that the ANC give up, not only its own and its people's natural urge for legal justice, but also one of their central ways of approaching the world.

#### The victims speak out

There was a slogan that characterised the way the ANC dealt with pain and loss during the blood-filled 1980s: 'Don't Mourn, Mobilise'. This was a slogan born out of the political necessity to morally re-arm the people in the face of the onslaught launched by the apartheid state; but it was also a product of a political culture that was far more comfortable with global certainties than it was with personal pain. And now this same movement, the ANC, was opting to exchange this favoured slogan for one that seems to encapsulate an almost diametrically opposing sentiment. The defiant rallying cry, 'Don't Mourn, Mobilise', was succeeded by a new slogan: 'Revealing is Healing'. These were the words that were spread on banners and hung around the public halls that housed most of the victims' hearings of the TRC. They almost said 'Don't Mobilise, Mourn'.

As for the hearings themselves – these victims' hearings – well, they were shot through with accounts of what had happened to individuals and with lamentations of pain and suffering. People hadn't come to mobilise. They had come to tell their stories. They had come to mourn. To be heard. To put their truths on record.

There lies the paradox – that the wonder of the TRC and the thing for which it is best known, resides not in its original purpose to provide amnesties – but in its by-product, the victims' hearings. It was out of these, not the amnesty hearings, that the five-volume TRC report came (the addendum on the amnesty hearings is

still pending) – a report, which is at one and the same time a wondrous account of a mesmerising process, and a re-writing of a nation's history.

#### Revealing is healing

It was by no means inevitable that this mass African exercise in healing would emerge with such incredible power. I have talked to people who witnessed the first tentative consultations that the TRC held with groups around South Africa. One of them witnessed a meeting that took place in Port Elizabeth before any of the formal hearings had begun. He watched as new Truth Commissioners tried to explain what this strange beast, the TRC, might turn out to be.

Port Elizabeth is the capital of the Eastern Cape, which was the target of some of the most ferocious attacks by police death squads in the 1980s. Yet in this room, and at this meeting, there was no powerful mass of people and gathering of political activists we grew to think of as the norm for a TRC hearing, but sixty or so ordinary people, the widows of political organisers or their bereaved mothers, poor people, formally regarded as inarticulate, who wanted an explanation as to why their Movement had given up on their right to justice. An unprepossessing beginning, it seems, and yet out of it sprung the process that became the marvel of the world. The power of these hearings lay not in the TRC's formal powers but in the very strength of people like these, who came to talk of what they'd endured ... almost like a massed and, at the same time, an individual, singing of the blues.

#### Amnesty

But what of that other aspect of the TRC – the one that gave it birth – the granting of amnesties? Well, here we have a different tale where, once again, nothing is quite what it may seem.

Application for amnesty for gross human rights violations including murder and torture was voluntary. The threat that hung over those who did not apply was that they might face future prosecution for their crimes. By no means everyone who would have qualified for amnesty, applied. In the main, on the ex-apartheid government's side, those who put in an application did so either because they were in prison and wanted to get out, or because they thought that somebody else might implicate them and open up the possibility that they might be charged, or – and I would estimate that this applied to only a small minority of applicants – because this is what they thought they ought to do.

Herein lies a further twist. The provision of amnesty – with its resulting negation of a victim's right to legal justice – was inserted into the new South African constitution largely in order that the politicians of old, as well as their state employees, would not find themselves standing trial. In practice, however, it was the henchmen rather than the politicians, the junior police rather than their commanders, who ended up jumping through the TRC amnesty hoops.

Most of the politicians of old, up to and including their leader, F.W. de Klerk, did not apply for amnesty. When some did give evidence at victims' hearings, the world was met by the sorry sight of ex-police chiefs and senior politicians using absurd semantic argument to insist that orders contained in words and phrases such as 'eliminate', 'neutralise', or 'remove permanently from society' did not, and had never meant, 'kill'.

This surely could not have been the message that the ANC wanted to give to the world – that only those small fry, the ones who got caught, or whose friends got caught and subsequently betrayed them, would be made to answer for their actions? Of course it wasn't – but this contradiction shows how this exercise, borne out of political necessity, turned out to be both more and less than it had promised.

#### The whole truth

What of those words then – Truth and Reconciliation – written into the Commission's name?

Well.... One of the requirements for amnesty was that applicants give full disclosure of their actions, i.e. that they tell the truth. I am in no doubt that some of this did happen during hearings – that some of the truth, perhaps in its most basic outline, was indeed told. Yet what was meant to be a basic requirement for anyone wishing to get amnesty from the TRC was full disclosure of the whole truth.

Behind this phrase, it seems to me, lies the dubious assumption that murderers and torturers can know the truth. And that, if they do, they will risk their sense of their own worth, their reputations and their contact with those they love, by telling it. In this connection, I

am frequently reminded of one particular exchange between a torturer and his victim. The victim was asking his torturer to tell him a personal truth. What kind of human being, the victim asked, can you be, to have knowingly caused another human being so much pain? The torturer's reply (in what must have been one of his most honest statements, untouched by fabrication or omission) was that he had asked himself that same question, that he'd gone to a psychologist to ask it too, because he didn't know the answer. There, it seems, lies the whole truth: that the whole truth cannot be faced. And therefore it cannot be told.

#### Reconciliation or sacrifice?

As for reconciliation – well, here is another area of contention: possibly the most fiercely contested and the most misunderstood.

It has often been said that the repentance of perpetrators was never a requirement of an amnesty. Neither was forgiveness a necessity. Yet the very fact that the TRC came into the world during the presidency of a man – Nelson Mandela – who has made forgiveness his byword; that the Commission was headed by another man – Desmond Tutu – who was archbishop of a church, and a religion, that has confession, repentance and absolution at its core, means that forgiveness has

always been the TRC's stalking-horse.

In my view, one of the hearing's most distasteful features was the occasions when the victims were encouraged to forgive those who caused them such great harm. This, I thought, was a political compromise being turned into a forced embrace of old enemies, in which it is always the victims, who had already given up their right to legal redress, were then asked to make the greatest sacrifice.

Not that the TRC ever said that victims must be made to reconcile themselves with their perpetrators. Instead, the argument ran like this: that the reconciliation sought by the TRC was not one between named individuals, but rather an attempt to involve the whole of society in its task of coming to terms with a terrible past. The TRC, its advocates continue, is only

*A young radical academic, journalist or campaigner, on fire with romanticisms and deeply desirous of finding a world less suburban, less constricting than his own, is parachuted into the jungle, the savannah, the ice-floes of another world.*

one facet of this process. For no mere Commission, however miraculous, could possibly reverse the inequalities, injustices and atrocities committed by a relatively small group of people against a whole nation. Only a real future that redresses these inequalities, that provides social justice, they say, can ever really repair the past.

In this, they are of course right. But it is unfortunate (to understate the case – a case which needs to be made in greater detail elsewhere) that the issue of reparations for victims, another of the TRC's responsibilities, has to date been its most singular failure.

#### A kind of closure

The TRC process, especially its victims' hearings, did undoubtedly bring a sense of relief, at least, to some of its participants: a kind of closure. People were given the chance to be heard in public. They spoke of the years they had borne their pain and their grief in isolation and in silence, and of their need to let their country know what it was that they, and their loved ones, had endured.

But what of those other South Africans – the vast majority of the white community who, although they might not have been actively involved and even if many deny it, were witness to what happened, benefited from it, and who were, in that way, complicit? Did they also now take part in this grand project of reconciliation?

I am reminded of a moment in 1997 when I was in South Africa to talk about my then recently published family memoir, *Every Secret Thing*. The ANC government was then in its third year and the TRC in full voice. As is the nature of promotional tours, especially in South Africa, through my work I encountered a large cross section of the white community, including readers, commentators and journalists. What struck me most about those meetings was a feeling that was voiced by many different people. It was articulated most clearly by an Afrikaner journalist, a woman of roughly my age, who said: 'I know it must have been hard for you to be your parent's daughter. I know that there are many costs to be paid by the child of heroes. But imagine how it feels to be me: to have to look at my parents, and to ask of them – how could you? How could you have witnessed all this and said nothing. How could you have let it happen?'

Here is an indication of the extent of the TRC's success – that it set itself the task of facing what had happened and, through the media (when they began the hearings were broadcast live on radio), tried to make sure that the people of South Africa listened. Not everybody did of course. There were those who told me of driving with the radio on, and of being so affected by what they heard that they had to stop their cars and vomit. But there were also those who turned off their radios, and their televisions, and spoke of other things.

And yet even for them, I do not doubt that the drip, drip of the TRC was powerful: the fact that apartheid's thin veneer of civilisation was gradually being peeled away, could not be completely ignored

History was made by the TRC – not just that a nation participated in this exercise – but also literally because one of the aims of the TRC was to re-write the history of South Africa so that future generations could never say, as some have managed to do about the holocaust: oh, no – it didn't really happen.

But another paradox rests here: that this project for the settling of a country's history (remember, this is a country where contemporary history has always been shot through with lies and fakery) became, simultaneously, a battle for history.

#### Whose history?

Many of the former state employees, ex-torturers and murderers who applied for amnesty were legally represented by a relatively small group of highly-motivated lawyers. Their chosen role was to secure their clients their amnesties, and also to get on record their version of history. This version can be crudely summarised this way: that what happened in South Africa was a war, that bad deeds are unfortunately committed in wars, and that both sides committed them.

No mention here of vastly unequal motives: of the fact that their side's main objective was to keep in place a system of legal inequality and oppression, while the ANC was fighting for justice. At the same time, ANC politicians, busy now with the difficult task of governing let alone transforming the country, had decreasing energy to expend in setting the record straight... and so the moral victors of the South African struggle failed to fight this last battle with the same intensity as the vanquished.

### A complex achievement

From its very inception, political compromise was bound up with the workings of the TRC. But nowhere was this more evident than in the amnesty hearings. The panel of judges, separate from and independent of the Truth Commissioners, were supposed to be politically balanced. But when history is being contested, what is it that constitutes balance?

This question hit me most starkly while I was witnessing the application for amnesty of the men who had murdered my mother. Evidence was being heard concerning a particular part of Angola in the mid 1980s. One of the judges, the chair of the panel as it happens, suddenly interrupted to say something like: 'Remind me, please: at that time in Angola what were we doing?' That 'we' ran through me like a shock wave – because, of course, at that time there was no we. There were only two sides: the South African army which was trying to bomb and invade Angola, and the Angolans along with the Cubans and the ANC, who were trying to defend the country. Yet this judge had shown himself to be still bound up in that old 'we'.

Reading through some of the amnesty transcripts, it is difficult to avoid the conclusion that such was the pressure on the judges, and such their composition, that although they paid lip service to the full disclosure element of applications, some of them also began to feel that by applying for amnesty, and by admitting their general complicity, applicants had already shown enough good faith in the process to have earned themselves their prize. But all of this was, of course, inherent in the original compromise.

How did it affect me? Personally, if anything, it increased my feelings of hatred. This may sound strange. Beforehand, I felt that what happened to my mother was purely political. But as a result of

observing the amnesty application of Ruth's killers I came to see that it was also personal: that they were murders and that they were motivated by a form of personal hatred as all murderers are. For me, although they didn't tell the truth, I did discover this truth. And I believe that the truth, however painful, needs to be faced for healing to begin. The reconciliation that I experienced was with what happened, not with the perpetrators.

And this for me is the important thing about a TRC, that it helps a whole society reconcile itself to its past, without ignoring or denying it.

I end with my father's point: that what happened in South Africa was a transformation in political office and political officers without a corresponding transformation in the balance of resources. This compromise was made possible as a result of the belief that peace and the end to political killings was more important than the purity of any victory. From this was born the TRC: a Commission that was passionately contradictory, mixing shortcomings with its own, not inconsiderable, triumphs.

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