

Forgiveness in the Polis: Seeking Reconciliation In Post-Apartheid South Africa

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Theology

Operating from 1995 to 1998, the Truth and Reconciliation Commission (TRC) of South Africa stands as one of the most unusual and hopeful social phenomena in one of the most violent periods in history. It fell to a commission of seventeen diverse South African citizens to sift through over three decades of political crimes and human rights violations emanating from apartheid, that nation's regime of political oppression and systematic, enforced racism. Their charge was to listen to the narratives of both the victims and the agents of apartheid and, as one commissioner put it, "hold up a mirror to reflect the complete picture" of South Africa's apartheid past.¹ By establishing a truthful and shared account of the past, it was hoped the nation could begin to bring closure to the wounds and social divisions still roiling in apartheid's wake. Nothing less than the future of the nation was considered to be at stake. There was a very real concern that if the white minority feared for its safety under a black-controlled government and if the long-oppressed black population sought revenge for its past torment, a new cycle of violence could erupt again along racial fault lines.²

Truth commissions are increasingly applied as an instrument for promoting political and social reconciliation following civil strife. Of special interest to this paper, however, is that the South African TRC, a secular, government institution charged with an essentially political outcome, came to be characterized by a narrative of forgiveness, a narrative that was expressed in Christian symbols, values, and idiom. In doing so, says Rodney L. Petersen of the Boston Theological Institute, the TRC projected forgiveness, a quality long absent from public and foreign policy and often consigned to personal relations or the church confessional, to the center of the reconciliation discourse in South Africa.³

¹ Borraine, Alex, *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission*, (Oxford: Oxford University Press, 2000), 326.

² Villa-Vicencio, Charles, "Restorative Justice in Social Context: The South African Truth and Reconciliation Commission," in *Burying the Past: Making Peace and Doing Justice After Civil Conflict*, ed. Nigel Biggar, (Washington, D.C.: Georgetown University Press, 2001), p. 208. Villa-Vicencio captures this fear of all-against-all violence in the remarks of Thabo Mbeki, currently president of the Republic of South Africa but a member of the African National Congress helping write a new constitution in 1993 when he remarked: "Within the ANC [African National Congress] the cry was to 'catch the bastards and hang them' – but we realized you could not simultaneously prepare for a peaceful transition while saying we want to catch and hang people... If we had taken this route I don't know where the country would be today. Had there been the threat of Nuremburg-style trials over members of the apartheid security establishment, we would never have undergone peaceful change."

³ Petersen, Rodney L., "A Theology of Forgiveness: Terminology, Rhetoric, & the Dialectic of Interfaith Relationships," in *Forgiveness and Reconciliation: Religion, Public Policy, & Conflict Transformation*, eds., Raymond G. Helmick, S.J., and Rodney L. Petersen, (Philadelphia & London: Templeton Foundation Press, 2001), 4-6.

During the TRC's hearings for victims of human rights violations, a significant number of those testifying extended forgiveness to their former tormentors, typically evoking a scriptural or theological formulation of forgiveness. Commission members, especially TRC Chairman Desmond Tutu, then an Anglican archbishop, further framed victim testimony within a master narrative in which forgiveness is not only constitutive of interpersonal reconciliation but is also the motive force for social and political reconciliation. For some, framing the truth-telling of the TRC within a larger theme of forgiveness was too anemic a response for a nation still deeply scarred by apartheid's violence; specifically, it seemed to make no adequate provision for justice. This paper, however, will argue that the quality of forgiveness may offer a more positive, long-lasting, and robust response to post-conflict reconciliation than the retributive models of justice embodied in tribunals and war crimes trials. As a corollary, it will also assert that, in the understanding of Tutu and the TRC, forgiveness did not exclude or dispense with repentance and restitution. Rather, forgiveness was posited as a force that both actuates and propels a continuum that leads to reconciliation; along that continuum, repentance and redress may occur.

The "Truth" About Truth Commissions

Truth commissions are temporary bodies charged, in the wake of a period of severe internal national conflict, with ascertaining and investigating the authenticity of human rights violations, typically by eliciting the stories of both victims and perpetrators. Perpetrators are often offered amnesty for their testimony. The proposition is that by ascertaining the truth of what occurred during a contentious period in the nation's life a new and hopefully shared recollection of the past will emerge. This could, in turn, provide the starting point for the healing and the eventual transcending of deep social divisions produced by conflict. Indeed, truth commissions are a popular resource in the international peace and conflict arena. In the twenty-year span between 1974 and 1994 fifteen truth commissions were initiated internationally, charged with investigating the details behind human rights violations following periods of political oppression and violence.⁴ In the next seven years, however, between 1995 and 2002, an additional twelve commissions commenced operation.⁵

Truth commissions, however, are seldom as cathartic as might be supposed. They rarely culminate in victims successfully purging their memories of emotional trauma and perpetrators releasing their burdens through contrition and repentance. For many past commissions, the "fix" was in from the beginning as the commissions themselves were the outcome of protracted negotiation between political forces.⁶ Often, to even establish a commission, the former political power structure extracted a general amnesty for its leadership. Too often truth commissions have been a tool for governments to assure the international community that some level of justice has been attained and, in turn, confer legitimacy on the new power structure. In the majority of cases, truth commissions have

⁴ Hayner, Priscilla, "Fifteen Truth Commissions—1974 to 1994: A Comparative Study," *Human Rights Quarterly*, Vol. 16, No. 4 (Nov.1994), 601-603.

⁵ Braham, Eric, "Truth Commissions," *Beyond Intractability*, Eds., Guy Burgess and Heidi Burgess, Conflict Research Consortium, University of Colorado, Boulder. Posted June 30, 2004 and accessed at http://www.beyondintractability.org/essay/truth_commissions/.

⁶ *Ibid.*

been conducted with little or no transparency. Since each of the twenty-seven commissions established between 1974 and 2002 was engineered around unique circumstances, it is difficult to categorize their outcome. The chief benefit of truth commissions is that they provide a prescription for ending violence while also sidestepping the difficulties in tribunals and trials. If, as in a number of cases, the commission reports were either rejected by the government, or its contents edited or not made available to the public in totality, then some feel they have been victimized a second time. Truth commissions, it seems, seldom produce “truth” in absolute terms.

The TRC of South Africa was established after the official end of *apartheid* (literally “apartness” in Afrikaans and Dutch), a compulsory system of racial segregation that was officially the law of the land from 1948 to 1994 but which, less officially and less starkly, had been the practice within this nation from its earliest roots in British Colonialism in the nineteenth century. Under apartheid, people were classified, by law, into a variety of racial groups: whites, blacks, and those of mixed racial origin. Blacks, in particular, were forcibly relocated into “homelands,” the euphemistic label for what was similar to a “reservation” of the type created in the United States for Native Americans. Blacks could vote only on matters within these “homeland” governments, not in national elections. Education, medical care, and other public services were said to be “separate but equal,” but those available to whites were generally considered far superior. Blacks and non-whites could work in white areas as long as each carried special identity cards and returned at night to their designated areas. Whites, while comprising only thirteen percent of the total population accounted for sixty-five percent of total personal income.⁷ “The apartheid system,” writes Audrey Chapman, “enabled a white minority amounting to some thirteen percent of the population to monopolize economic and political power and relegate the black majority to a subordinated and politically powerless status.”⁸

After decades of escalating international pressure, the new South African government headed by F.W. de Klerk announced its intention in 1989 to end apartheid and enter into negotiations with the African National Congress, the leading black opposition party in 1990. It aimed to draft a new constitution based on the principle of “one person, one vote.” In April 1994, following the nation’s first universal suffrage elections, Nelson Mandela, head of the African National Congress, was elected President of South Africa.⁹

The authority for the TRC was provided by the Promotion of National Unity and Reconciliation Act, No 34 of 1995, and the new body based its operations in Cape Town, South Africa. The TRC was a court-like body assembled to hear both people who claimed to have been victims of “gross human rights violations” as well as perpetrators of these violations for whom testimony also provided an opportunity for amnesty from prosecution. The hearings made international news and some entire sessions were broadcast on South African television. The TRC’s work was conducted through three committees: one aimed at investigating human rights abuses from 1960 to 1994, a second charged with formulating proposals to assist victims with reparations and rehabilitation,

⁷ Sisk, Timothy D., *Democratization in South Africa: The Elusive Social Contract*, (Princeton, NJ: Princeton University Press, 1995), 7-16.

⁸ Chapman, Audrey and Spong, Bernard, eds., *Religion and Reconciliation in South Africa*, (Philadelphia and London: Templeton Foundation Press, 2003), 3-6.

⁹ Sisk, 293.

and a third which considered applications for amnesty. Critical to earning amnesty was the condition that crimes had to be shown to be politically, not criminally, motivated and the whole truth about the violation was to be told by the person seeking amnesty.¹⁰ In the end, the amnesty committee was completely overwhelmed with over 7,000 applications for amnesty of which perhaps over 65% were from people already in custody or whose crimes were considered ordinary criminal violations, not politically motivated. Coping with this sheer volume as well as internal disputes of what constituted political motivation, kept the number of actual amnesty grants to less than 1,000.¹¹

On October 28, 1998, the Commission presented its final report. While there was considerable divergence in opinion in those early days as to the value of the TRC along racial lines, most South Africans, by the close of the Commission's work in 1998, had judged the Commission worthwhile. Fifty-seven percent of South Africans rated the TRC either a "very good thing" or a "good thing" for the country.¹² Measured along racial cleavages, however, seventy-two percent of African respondents were positive about the

TRC compared to just fifteen percent of whites.¹³ As time moves on, however, there is a growing convergence in views. In more recent data, published in 2006, the work of the TRC seems to have contributed to a growing perception, even among whites, that apartheid was indeed a "crime against humanity." A strong majority of 87.7% of South Africans concurs with that statement, while 76.3% of whites agree.¹⁴

Mandela and Tutu, the TRC's Secular and Sacred Faces

A substantial portion of whatever success is credited to South Africa's TRC can be traced to South Africa's two iconic figures of apartheid resistance: Nelson Mandela, the long-imprisoned secular saint of South Africa's struggle against apartheid, and Desmond Tutu, the Anglican archbishop of Cape Town and winner of the Nobel Peace Prize of 1984. Both men rose to worldwide fame in the 1980s as opponents of apartheid. Mandela was elected president of South Africa in 1994 in the first fully-representative elections in that nation's history, thus becoming the nation's first black president. Tutu headed the TRC from 1995 to 1998 and was generally credited with originating the term "Rainbow Nation" as a metaphor to describe his vision of a post-apartheid South Africa.

¹⁰ According to the Promotion of National Unity and Reconciliation Act of 1995, a crime was considered "political" when committed by a member of a "publicly known political organization or liberation movement" or by an employee of the state either acting "in furtherance of a political struggle or with the object of countering or otherwise resisting said struggle." Further, to fit into this political crime template, it had to have been committed "in the course and scope of his or her duties and within the scope of his or her express or implied authority." Another consideration was whether the crime was proportionate to the threat posed by the victim.

¹¹ Graybill, Lyn S., *Truth & Reconciliation in South Africa: Miracle or Model?*, (Boulder, London: Lynne Rienner Publishers, 2002), 62-67.

¹² Theissen, Gunnar, "Object of Trust and Hatred: Public Attitudes Towards the Truth and Reconciliation Commission", chapter within *Truth and Reconciliation: Has the TRC Delivered* eds., Audrey Chapman and Hugo van der Merwe, (Philadelphia: University of Pennsylvania Press, to be published 2007), 45.

¹³ *Ibid.*

¹⁴ Hofmeyr, J.H., "Report of the Sixth Round of the SA Reconciliation Barometer Survey," (Wynberg: Institute for Justice and Reconciliation, 2006), 67.

While equally committed to a peaceful resistance to oppression, Mandela and Tutu differed considerably in religious perspective. In her book, *Truth & Reconciliation in South Africa*, Lyn Graybill calls Nelson Mandela the “pragmatic reconciler” whose very life has been an example of suffering and perseverance in pursuit of black liberation. Mandela, she adds, saw his mission as “one of preaching reconciliation, of binding the wounds of the country, of engendering trust and confidence.” Mandela’s extraordinary efforts at political forgiveness (he invited, for example, the prosecutor who sought the death penalty for him to lunch following his election to president in 1994) and reconciliation was applauded worldwide. According to Graybill, however, analysts sought, in vain, for some personality trait or secret that would explain this extraordinary commitment to peace and reconciliation. While many expect to find its locus in religious conviction, Mandela claims that he is “not particularly religious or spiritual,” although he says he admires what the faith communities did to oppose apartheid. Recognizing their role, he states: “When others inside the country were gagged and could not speak and could not travel and others were thrown in jail, it was the Church that kept the fire burning and kept the ideas for which they were suffering alive.”¹⁵

While there is no question that Mandela’s astonishing generosity of spirit was a driving factor behind the country’s efforts at reconciliation and amnesty for human rights offenders, it must also be acknowledged that in South Africa, truth commissions offering some level of amnesty are often the only route available to new, and often weak, democracies. Helen Cobban, global affairs columnist for the *Christian Science Monitor*, writes that South Africa’s powerful military and security bosses had already told Mandela and the ANC that they would not provide security for the crucial elections of 1994 unless some credible form of amnesty from prosecution was proffered.¹⁶ So, again, in South Africa as in so many other truth commission venues, amnesty-for-truth-telling became the pragmatic partner of the TRC’s work of restoration and reconciliation.

The engine that drove Nelson Mandela, says Graybill, was not religion but rather the strength of his commitment to a non-racial democracy. “The key,” according to Graybill, “is that Mandela never doubted that one day he would be a free man and eventually president. He simply did not have the luxury of succumbing to hate and revenge. Overcoming white fears of a nonracial democracy was crucial, and earning the trust and confidence of whites made the political settlement possible.”¹⁷ It was by sheer personal example and commitment that Mandela was able to show a new path forward grounded by reconciliation rather than retribution. This simple but profound act of human will moved Robin Petersen, senior lecturer in Christian studies at the University of the Western Cape, to anoint Mandela’s acts as radiating an “almost salvific power.”¹⁸

While Mandela provided the secular “jump-start” to national reconciliation, the activity of the TRC, a secular apparatus, was nonetheless strikingly imbued with religious language and ritual, qualities that were strategically inserted by Desmond Tutu, the TRC’s chair, as well as deputy chair, Alex Boraine, President of the Methodist Church of

¹⁵ Graybill, 11, 18-19.

¹⁶ Cobban, Helena, “Religion and Violence,” *Journal of the American Academy of Religion*, December 2005, Vol. 73, No. 4, 1128.

¹⁷ Graybill, 19.

¹⁸ *Ibid.*, 21.

Southern Africa. Consider Tutu's earliest efforts, in his own words, in bringing his TRC team together and bringing their mission into focus.

Despite our diversity, the commissioners agreed to my proposal at the first meeting that we should go on a retreat, where we sought to enhance our spiritual resources and sharpen our sensitivities. We sat at the feet of a spiritual guru, who happened to be my own spiritual counselor, while we kept silence for a day, seeking to open ourselves to the movement and guidance of the transcendent Spirit.¹⁹

It is rare that a description or historical analysis of the TRC does not remark upon the religious character of the proceedings. The first hearing, in particular, stamped the process with a religious tone when Tutu opened the meeting with a prayer and Commissioner Bongani Finca sang a hymn of African Christian origin, "The Forgiveness of Sins Makes a Person Whole." Throughout the TRC process, observes Graybill in her account of the hearings, Tutu clearly operated as a religious figure during the proceedings, wearing a purple cassock and reverently lighting candles as if he were officiating at a sacred service. Such demeanor prompted one observer to comment on the liturgical character of the hearings.

Each hearing is opened with a prayer – sometimes Christian, sometimes Muslim, sometimes Jewish – and a large, white candle representing truth is solemnly lit. The audience is then asked to rise out of respect for the victims and their families while they file in... The seven commissioners in attendance then came down from their white linen-clad tables to welcome the victims – by shaking hands, embracing, kissing. Many of the victims were already sobbing, overcome by the mere fact that an official government representative was showing them respect.²⁰

Standing on Holy Ground

The very solemnity and liturgical atmosphere of the TRC assemblies may have played a role in moving people to extraordinary acts of both repentance and forgiveness. Tutu relates one especially tense scene in which members of a militia, accused of a particularly brutal massacre of anti-apartheid demonstrators, stood before a packed house of victims and relatives of victims. Tutu describes the situation in the hearing room as "combustible" until one of the officers, acting as a spokesman, begged for forgiveness: "Please, forgive us. Please accept my colleagues back into the community."²¹ Tutu relates what happened next:

¹⁹ Tutu, Desmond, *No Future Without Forgiveness*, (New York: Doubleday, 1999), 81.

²⁰ Gallagher, Susan Van Zanten, "Cry with a Beloved Country: Restoring Dignity to the Victims of Apartheid," *Christianity Today*, February 9, 1998, 1, at (<http://ctilibrary.com>)

²¹ Tutu, Desmond M., "Foreword," in *Forgiveness and Reconciliation: Religion, Public Policy, & Conflict Transformation*, eds., Raymond G. Helmick, S.J., and Rodney L. Petersen, (Philadelphia & London: Templeton Foundation Press, 2001), xii.

And do you know what that audience, that angry audience, did? It broke out into deafening applause. And afterwards I said, "Please let us keep quiet because we are in the presence of something holy... Really, the only appropriate response is for us to take off our shoes, because we are standing on holy ground."²²

Almost certainly South Africa's government had never seen one of its secular activities so overtaken by religious overtones. And, indeed, it proved unnerving for some. As a result of the commission's religious and often lachrymose atmosphere, the TRC was derided by some secular critics as the "Kleenex Commission."²³ It earned Tutu considerable criticism from critics who often attacked the emphasis not only on individual reconciliation but also on what they viewed as an excessively religious atmosphere and discourse. The criticism was not isolated to strictly secular voices; it came from religious figures in the TRC as well. One of the commissioners, Professor Piet Meiring, an ordained minister in the Dutch Reformed Church (DRC), theologian, and university professor in church history, noted the complaints of certain Commissioners and staff.

The previous hearing, in East London, as well as numerous TRC ceremonies of the previous weeks... were far too 'religious' for (the Commissioners) taste. The many prayers, the hymn singing before and during the hearings and the religious wrappings of the process were out of place. The TRC process was a legal process and should be conducted in a juridical style.²⁴

Indeed Tutu, as an internationally recognized and charismatic personality, was the human face of the TRC and, in this role, he often spoke in a religious idiom. Bishop Peter Storey, a retired Methodist bishop and member of the TRC has said of Tutu: "He has wept with the victims and marked every moment of repentance and forgiveness with awe. Where a jurist would have been logical, he has not hesitated to be theological. He has sensed when to lead an audience in a hymn to help a victim recover composure, and when to call them all to prayer."²⁵ There can be little question that it was this uniquely compassionate and open vulnerability that also drew the attention (and cameras) of the world's media to Cape Town. While Tutu may not have intended the TRC to be theatrical, it often had that shading which, in turn, attracted both praise and scorn. Wherever one stood on the emotional atmosphere surrounding the TRC, there was no debating it brought attention to South Africa's TRC that no international truth commission before or after has been able to garner. Tutu, for his part, was either

²² Ibid.

²³ Graybill, 27.

²⁴ Phelps, Teresa Godwin Phelps, *Shattered Voices: Language, Violence, and the Work of Truth Commissions*, (Philadelphia: University of Pennsylvania Press, 2004), 158. Lyn Graybill writes how Tutu, responding to complaints of too zealous a religiosity in the hearings, promised to comport himself in a fashion more appropriate of a secular setting and substituting 'moments of silence' for prayers. However, when soon confronted with a particularly harrowing victim's story, he lost his resolve, saying: "No, this won't work! We really cannot start like this. People, close your eyes so that we can pray!" (Graybill, 28).

²⁵ Ibid., 27.

unaware of the criticism or chose to ignore it as he remained sanguine as well as pragmatic about his approach:

Very few people objected to the heavy spiritual and indeed Christian emphasis of the commission. When I was challenged on it by journalists I told them I was a religious leader and had been chosen as who I was. I could not pretend I was someone else... It meant that theological and religious insights and perspectives would inform much of what we did and how we did it.²⁶

It is apparent, from this comment, that learning more about Tutu's theological perspectives is fundamental to understanding the religious framework that informed the TRC's work. Tutu's open religiosity struck some as inappropriate at best for the TRC's proceedings and perhaps bizarre for others. On the other hand, when reading the transcripts of the TRC hearings it becomes clear that an affinity for religious language and scriptural references was not driven by overzealous commissioners. A religious idiom seemed to flow easily and voluntarily from many of those giving testimony. Indeed, eighty-seven percent of South Africans indicated in a 2002/2003 survey²⁷ that they had some form of religious affiliation, while seventy percent of respondents to a 2001 survey claimed to attend a religious service at least once a month.²⁸ Considering, then, the pervasive influence of religion in South Africa, it would seem that communicating in religious terms and values would be not only a suitable strategy but an effective one as well.

Tutu's *Ubuntu* Theology

Something other than Christian religious formulations permeated the TRC and is remarked upon by nearly all major analyses of the TRC; it emanates from the African tribal heritage and is commonly referred to as *ubuntu*. While pre-Christian in origin, *ubuntu* is easily incorporated into Christian formulations. Like many idiomatic words, Africans typically preface its interpretation with the caveat that it may not translate perfectly into English. "Tutu is from the Xhosa people," Michael Battle, a former Tutu aide, categorizes Tutu's appropriation of *ubuntu* into his theology, "and his sense of *ubuntu* derives from the proverbial Xhosa expression *ubuntu ungamntu ngabanye abantu* which, translated roughly, means 'each individual's humanity is ideally expressed in relationship to others' or a 'person depends on other people to be a person'."²⁹ Tutu himself explains it this way: "My humanity is caught up, is inextricably bound up, in yours."³⁰

²⁶ Tutu, 82.

²⁷ *South Africa Survey 2002/2003*, (Johannesburg: South African Institute for Race Relations, 2003).

²⁸ *Public Attitudes in Contemporary South Africa: Insights from an HRSC Survey*, (Cape Town: HSRC Press, 2002), 89.

²⁹ Battle, Michael, *Reconciliation: The Ubuntu Theology of Desmond Tutu*, (Cleveland, OH: The Pilgrim Press, 1997), 39.

³⁰ Tutu, 31.

It was the incorporation of this ubuntu perspective into the TRC that may explain why many black South Africans were moved to publicly forgive those who oppressed or physically abused them. It is within this worldview that many in the black community approached the commission's work and thus equated the forgiveness of others, even oppressors, with the healing and restoration of society. If the spirit of ubuntu already frames the thinking of the victims, it provides powerful leverage for a commission to promote its goal of reconciliation.

Ubuntu, in theory at least, is a model not only for helping victims regain their humanity, but also for their oppressors to do the same. The idea behind ubuntu is to restore the oppressor's humanity by enabling the oppressed to see their oppressors as their peers under God. The relationship of oppressor and oppressed, shattered by apartheid, is restored through the spirit of ubuntu. When formulated into Tutu's theology, ubuntu finds its genesis in the account of God's creation, in which human identity is defined in the image of God. Created by God, but becoming finite through sin, humans are nonetheless destined for reconciliation with God through God's plan for redemption and salvation. Accordingly, observes Battle, nothing less than becoming restored with the infinite God could ever hope to satisfy deep human longings. "Secular prosperity, on the other hand," he writes, "seduces us into judging others as if value were dependent on the production of goods. It is from this materialist understanding of human identity that a society can only see racial difference as a threat and become possessed by apartheid."³¹ According to Tutu, apartheid "makes no theological sense [because] it denies that human beings are created in the image of God."³² This *imago Dei* theology for Tutu better describes as well as determines humanity because racial ideology inevitably leads to the use and abuse of power where the oppressor seeks to define a person.

A Theology of Forgiveness

An important component of ubuntu, as a facilitator of reconciliation, is the act of forgiving others for transgressions. Forgiveness is also deeply constitutive of Christianity. Indeed, writes Christian intellectual and theologian Reinhold Niebuhr, forgiveness is the "crown of Christian ethics," and is the "most difficult of moral achievements," as its foundation is love of the other, while recognizing and acknowledging sin in the self. In the Judaeo-Christian traditions, the aim of human forgiveness is reconciliation, the healing of broken relationships.³³

Principal among the Christian ideals characterizing the work of the TRC was its employment of what Rodney Petersen has called a Christian *theology of forgiveness* in which forgiveness is construed as the free gift of a loving God in which Jesus' sacrifice upon the cross and His resurrection are both the personification of God's grace and a model for human forgiveness.³⁴ For Christians, a new law and a new prescription for

³¹ Ibid., 5.

³² Ibid.

³³ Amstutz, Mark, *The Healing of Nations*, (New York, Toronto: Rowman & Littlefield Publishers, 2005), 46-47.

³⁴ Petersen, 3. I am employing this term, "theology of forgiveness," most directly from Petersen, although it appears not to be original to him; it appears often in the scholarly, trade, and consumer presses, including a feature article entitled "The Theology of Forgiveness," in *Time* magazine, Monday, Sept. 23, 1975.

forgiveness emerged through the narrative of the cross where Jesus' death and resurrection is seen as embodying divine love and universal atonement for human sins. His life and final sacrifice created a new paradigm of unqualified grace, a model which Christians are urged to follow by offering unlimited and unconditional forgiveness to wrongdoers.³⁵ In this paradigm, forgiveness is offered antecedent to, or in absence of, contrition or a secular form of justice

This understanding of the relationship between God and humankind, as well as in human relations, represents, in the view of Hannah Arendt, the political theorist and intellectual, a radical and historical change. She credits Jesus of Nazareth as being the "discoverer of the role of forgiveness in the realm of human affairs." It was Jesus' radical assertion of His power to forgive, even more than His miracles, says Arendt, that generated responses ranging from intrigue to cries of blasphemy. Importantly, she observes, Jesus maintained that the power to forgive was not exclusive to God or even that this power derives from God, "...as though God, not men, would forgive through the medium of human beings."³⁶

This Christian understanding of cross and resurrection narratives as the theological foundation for forgiveness is reflected in the TRC hearings and in the comments of Tutu, especially when he addresses the question of whether repentance must precede forgiveness:

Does the victim depend on the culprit's contrition and confession as the precondition for being able to forgive? There is no question that, of course, such a confession is a very great help to the one who wants to forgive, but it is not absolutely indispensable. Jesus did not wait until those who were nailing him to the cross had asked for forgiveness. He was ready, as they drove in the nails, to pray to his Father to forgive them and he even provided an excuse for what they were doing. If the victim could forgive only when the culprit confessed, then the victim would be locked into the culprit's whim, locked into victimhood, whatever her own attitude or intention. That would be palpably unjust.³⁷

At the same time, in the understanding of Tutu and the TRC, this theological foundation of forgiveness did not exclude or dispense with repentance and restitution. Rather, forgiveness was posited as a force that both actuates and propels a continuum that leads to reconciliation; along that continuum, repentance and redress may occur. Retributive justice models may also produce a forbearance of violence and political stability. Without forgiveness, however, reconciliation in the sense of a fully restored, harmonious relationship and society will not occur, thus the sense behind the title of Tutu's memoir of the TRC, *No Future Without Forgiveness*. For Tutu, truth-telling alone, unalloyed by forgiveness, lacks orientation. By exposing the horror and injustice of past acts, truth-telling may just as easily fuel revenge or violence. Alternatively, truth-telling, when framed in a disposition of forgiveness and a restoration of personal

³⁵ Ibid., 21-23.

³⁶ Arendt, Hannah, *The Human Condition*, (Chicago and London: The University of Chicago Press, 1958), 238-239.

³⁷ Tutu, 272.

relationships, provides the energy that feeds the process that leads to social and political reconciliation.

Can Reconciliation Occur Where There is Imperfect Justice?

While the TRC was grounded in secular purpose (achieving a peaceful transition of governments), its execution, as has been shown, was often shaded by theological perspective, language, and symbols. The religious ambiance of the hearings combined with the amazing grace being demonstrated by Mandela, Tutu, and many of apartheid's victims, seemed to reflect a stunning act of national salvation and reconciliation. However, this was not the case at all. All was not, as the African hymn of unity proclaims, *kumbaya*.

The TRC struggled mightily, not only with secular critics of its religious overtones but from within ecclesial circles as well. "The popular view, in the United States at least," writes Lyn Graybill, "of South Africa's 'Rainbow Nation' miraculously embracing in a spirit of reconciliation is inaccurate." Whites remained largely aloof and unresponsive to the TRC, Graybill asserts, "surprised and grateful perhaps by the lack of bitterness and acts of vengeance toward them by blacks, but still unwilling to be transformed by the grace offered to them."³⁸ While the hope or expectation of Tutu and others from the faith community was that large numbers of perpetrators would seize upon the TRC as an opportunity to express remorse and victims would find it in their hearts to forgive, Graybill concludes, that expectation "has not universally occurred."³⁹

Another criticism directed against the TRC was that victims may have felt pressured to forgive their enemies, especially when highly public appeals were made to follow Christ's model of self-renunciation and forgiveness of transgressors. That led some observers to complain that the outward public displays of forgiveness were more attributable to Archbishop Tutu's powerful and charismatic presence than a genuine response of forgiveness.

In stark contrast to a sense of coaxed forgiveness in the victim hearings, Audrey Chapman writes that those presiding over the amnesty hearings did not share the same intensity in soliciting acknowledgements and contrition from perpetrators. Indeed, the law's requirements for amnesty did not include repentance. This, Chapman observes, left many viewing the process as unbalanced and one-sided.⁴⁰ To be sure, the amnesty hearings produced a number of acknowledgements of stark brutality accompanied by moving, tearful contrition and requests for forgiveness. Others appearing before the amnesty board, however, acknowledged their deeds but did so under the protective umbrella of "following orders." Some (who knows how many) said one thing to the amnesty board in public, another in private. Graybill recounts one Captain Jacques Hechter, a security policeman, expressing contrition for dozens of murders saying he had committed the acts "in the interest of the Republic of South Africa, my religion, and my Christian convictions."⁴¹ Later, in private, Hechter reportedly said:

³⁸ Graybill, 22.

³⁹ Ibid., 53.

⁴⁰ Chapman, 289.

⁴¹ Graybill, 52.

Ach, I'm not fuckin' sorry for what I did. Look—I fought for my country, I believed in what I did, and I did a good job. They were my enemy at the time.⁴²

As indicated earlier, amnesty was not granted in all cases. Indeed, less than twelve percent of those who made application were actually granted full amnesty. On the other hand, if the amnesty applicant made a full disclosure, amnesty could be granted on the spot. By contrast, victims requesting reparations or some form of rehabilitation had to make application and then wait for the reparations process to begin which, in fact, could not proceed until the Commission had closed and issued its final report in 1998. Even then, the cash-strapped South African government fell far short of the TRC's recommendations.⁴³ No wonder, then, that many looked upon the TRC as justice not only delayed but also either unfulfilled or unbalanced.

These imperfections in the TRC process, however, were not the creation of the commissioners – they were merely working with an instrument that was the result of a political negotiation, the residue of bringing the white South African government to the point where it was willing to relinquish or share power. Tutu, in his memoir of the TRC, recognizes the inherent limitations of the commission and in that context tries to look beyond these imperfections to a bigger picture, one centered on ubuntu:

...the amnesty provision is an ad hoc arrangement meant for this specific purpose [restoring society following the long nightmare of apartheid]. This is not how justice is to be administered in South Africa forever. It is for a limited and definite period and purpose. One might say that perhaps justice fails to be done only if the concept we entertain of justice is retributive justice, whose chief goal is to be punitive... We contend that there is another kind of justice, restorative justice, which was characteristic of traditional African jurisprudence. Here the central concern is not retribution or punishment. In the spirit of *ubuntu*, the central concern is the healing of breaches, the restoration of broken relationships⁴⁴

Tutu, perhaps more than anyone else, recognized that as a result of the TRC's structural flaws – which he concedes were negotiated by black as well as white politicians – “our freedom has been bought at a very great price.”⁴⁵ Perhaps it was this recognition of its own imperfection that drove the commission to demonstrate a great deal of compassion and respect for the victims that had been so conspicuously denied them in the past.

⁴² Ibid.

⁴³ While the TRC recommended victim reparation grants of US\$3,830 a year for six years for those qualifying, the government, by 2000, had budgeted but a fifth of that total for a period of three years (Tutu, 62). As of 2 June 2006, according to an article in the *South African Mail & Guardian* newspaper, most survivors called to give evidence during TRC hearings had received a single reparations payment of about US\$4,000.

⁴⁴ Tutu, 54-55.

⁴⁵ Ibid.

The TRC: Reconciling the Religious and the Secular

While reconciling intra-church interpretations for forgiveness and reconciliation generated plenty of debate, perhaps even more challenging for the TRC was its attempt to reconcile religious and secular perspectives. This hurdle was all the higher for some because of the presence of Christian language and symbols – prayers, hymns, lit candles. Use of religious frames and idioms within a secular commission was considered inappropriate by some observers. Interestingly, that view was shared by some Christian clergy. In one of the best assessments of the fruits of the TRC, the American Association for the Advancement of Science (AAAS) began a multidisciplinary study of the influence of religion on the TRC's work shortly after the close of the TRC in 1998. Published in 2002, the core of the study features thirty interviews with leading religious figures, mostly Christian, working within South Africa. The interviews themselves were reproduced in 2002 as *Religion and Reconciliation in South Africa: Voices of Religious Leaders*.

One of the more striking themes woven through these interviews with leading religious figures is that many were themselves uncomfortable or even critical of the TRC's conflating national reconciliation with interpersonal forgiveness. While there was agreement that forgiveness is especially characteristic of the Christian approach to personal reconciliation, there was concern that this formulation was not easily transferable to the secular arena where codified procedure and process dominate and where a more final judgment and reparation is fundamental. Recognizing this, the majority of the interviewees also seemed to make their own distinction between forgiveness as an individual and religious option and criminal, social, or economic justice as the appropriate concern of secular society.

Reading through the interviews, one hears echoes of the proposition that true reconciliation must be accompanied by some tangible measure of justice, especially justice attained through a restructuring of disordered social and economic models. This sentiment is reflected in the comments of Bishop Kevin Dowling, bishop of Rustenburg and Chair of the Justice and Peace Department of the Southern African Catholic Bishops' Conference.

But in the end real reconciliation, I believe, in our country is only going to happen when people experience economic transformation, economic justice. The radical redistribution of the resources of the country so that the degrading poverty and misery in which so many of our people lived and so many still live is going to change.⁴⁶

The bishop's sentiments resonate with those of Fr. Sean O'Leary, acting director of the Pastoral Institute of the Catholic Bishops Conference, who believes that while forgiveness may apply to individual cases, it does not translate easily, if at all, to a broader social or national application. O'Leary observes that secular society views the rule of law as correcting deviant behavior and does not have a formula for incorporating forgiveness or reconciliation. The problem, then, O'Leary says is that 'reconciliation' is so susceptible to being misunderstood or interpreted differently. The TRC, he says,

⁴⁶ Ibid., 175.

reflected these contrasting and often conflicting definitions: The first was to ‘forgive and forget’, as if you could wipe out the collective memory of a nation. This approach would have negated and sabotaged the whole task of the Truth Commission, which was to acknowledge and record the past in such a way it would form the foundation for building a unified society. The second was building bridges across the divisions in society, without seriously wanting to change the structures that maintained these divides.⁴⁷

For his part, Tutu and others on the TRC did not view their application of forgiveness as a matter of forgetting or eschewing justice:

In forgiving, people are not being asked to forget. On the contrary, it is important to remember, so that we should not let such atrocities happen again. Forgiveness does not mean condoning what had been done. It means taking what happened seriously and not minimizing it; drawing out the sting in the memory that threatens to poison our entire existence. It involves trying to understand the perpetrators and so have empathy, to try to stand in their shoes and appreciate the sort of pressures and influences that might have conditioned them.⁴⁸

Read closely, Tutu’s understanding reflects a more pragmatic notion of forgiveness, justice, and reconciliation than might be ordinarily credited. It is not “forgiveness at all costs” nor is it “forgive-and-forget”; rather, it seeks, as the TRC did, to use the selfless act of forgiveness to create a new narrative that transforms the behavior of individuals who will, it is anticipated or hoped, shape broader social and cultural values and positively impact future conflicts. This understanding is echoed by Miroslav Volf who does not separate forgiveness from the struggle for justice. “Forgiveness,” writes Volf, “does not stand outside justice.” While the will to “embrace” (Volf’s metaphor for forgiveness) is unconditional it also encompasses, he contends, the will to name a wrong as a wrong and it also includes the will to rectify the wrongs that have been done. So forgiveness also entails an assigning of blame, and its acceptance is a reception of blame. For Volf, forgiveness requires “attending to justice” but does not link itself to a final or adjudicated justice in the secular sense. Indeed, Volf argues that waiting for a strict and final justice is not a fruitful approach for the very reason that no strict justice is possible. “Within the overarching framework of strict justice, enough justice never gets done because more justice is always possible than in fact gets done.” For Volf a more constructive view of forgiveness is to frame it as a constitutive element, what might be termed a “kick-start” for a *process* or continuum that leads to reconciliation, a continuum that will include repentance on the part of offenders, justice for both victims and offenders, and restitution for victims. In this continuum, however, forgiveness is both the starting point and the essential medium that propels this continuum.⁴⁹

⁴⁷ Ibid., 202.

⁴⁸ Ibid.

⁴⁹ Volf, Miroslav, “Forgiveness, Reconciliation, & Justice,” in Helmick, Petersen, eds., 45-47.

Coming to Grips With Apartheid

An often cited criticism of the TRC's work was its imbalance of racial participation with a relatively large number of black victims, prepared to bear witness and offer forgiveness, compared to a relatively small number of white perpetrators, prepared to confess, to offer repentance, and to request forgiveness. Some of the interviewees concluded that the white community, for the greater part, continued to deny its moral complicity with the apartheid system and that it had benefited disproportionately from the TRC process. This inability of the TRC to bring whites, in numbers, to ask for forgiveness was blamed on the absence of a strong, collective voice pleading for the white community to ask for forgiveness. In other words, there was no 'white Tutu.' Another reason cited for the lack of acceptance of the TRC's work in the white community was that the proceedings were the object of negative reporting by the Afrikaans media and that the churches overall, especially the conservative Dutch Reformed Church, failed in bringing its members to accept the process as genuine and of value. Ironically, it was the pathos of the hearings, which might have impressed others for its naked vulnerability and humanity, that struck the more stoic and constrained Afrikaners as staged and theatrical.⁵⁰

For some, the primary difficulty facing the TRC was congenital. Fr. O'Leary seized on this as one of the central issues of the TRC. "For me the tragedy of the TRC is that it was the child of political compromise."⁵¹ Specifically, he targets the government's interim constitution in which the ruling white-dominated Nationalist Party insisted on amnesty as a key provision in its negotiations with the black-dominated political groups:

It was only afterward, when people began to ask how it was possible to give amnesty and do nothing for those who are victims, that we got the compromise that became the TRC. So I think the starting point for the TRC was not a good starting point. One of the major defects of the amnesty process was that people do not have to say they are sorry. You cannot force forgiveness, but you can force restitution, and I think we lost an avenue of real progress there.⁵²

Another indictment of the work of the TRC is that one of its primary objectives – seeking "truth" – was compromised by its efforts to promote individual healing. The TRC, argues Chapman, was "not a very effective mechanism to establish 'historical truth.'" The commission's focus on personal experiences and morality, Chapman avers, diverted attention away from social reconstruction and community development.⁵³ As these comments demonstrate, the TRC had a difficult, perhaps even an impossible mission and no lack of critics. So, did anything positive result from injecting a religious component, especially religious values such as forgiveness and compassion, into the TRC hearings?

⁵⁰ Chapman, 291.

⁵¹ Ibid., 204.

⁵² Ibid.

⁵³ Ibid., 273.

“The Truth Must Dazzle Gradually”

Central to the challenge facing both the TRC and South Africa was establishing a metric for *reconciliation*, especially when there are clear differences between secular and religious concepts of reconciliation. One of the difficulties in judging the efficacy of a single *ad hoc* commission dealing with a mission as sweeping as national reconciliation, is that its influence is not often immediately salutary. “Societies in transition are usually characterized by a cultural lag,” writes Gunnar Theissen of the Centre for the Study of Violence and Reconciliation. “While new democratic institutions can be rapidly constructed, attitudes formed and entrenched under authoritarian rule generally survive well into the new dispensation.” Theissen supports this premise by examining survey research conducted in post-war West Germany, demonstrating that public attitudes toward the Nazi regime and its victims changed slowly over several decades.⁵⁴

In the longer term, then, the real value of the TRC and its strategies for reconciliation may prove to have been germinal, a beginning rather than an ending. A Dutch observer of the TRC’s proceedings saw this quality in the event as well when she reminded Tutu of a line from an Emily Dickinson poem: “The truth must dazzle gradually... or all the world be blind.”⁵⁵

While substantial numbers of whites may not have been physically present at the victim hearings, it is impossible to assess how this televised and widely discussed event may have impacted the hearts and minds of listeners and viewers. Chapman concludes, for instance, that the public hearings of the TRC had managed to communicate to a great extent the suffering endured by South Africa’s black population; the truth was out. “Thus many of the whites, even those who had preferred not to know about the abuses inflicted by apartheid, could no longer deny the horrors of the apartheid system.”⁵⁶ In other words, a significant contribution of the TRC was to establish a platform for alterity in South Africa, a fundamental ingredient for any democratic society. Gripping stories and even a few tears shed are perhaps essential to breaking down that insulation and establishing the kind of empathy so important for society’s existence.

Of course, hearing the truth and acknowledging that truth are different matters as are knowing the truth and acting on the truth. As Fr. O’ Leary observed, there are many definitions of reconciliation, but reconciliation of both individuals and societies must begin somewhere. It may be little more than a mustard seed, but the truth, teamed with forgiveness is at least a seed. Hopefully, it finds fertile soil.

⁵⁴ Theissen, Gunnar, “Object of Trust and Hatred: Public Attitudes Towards the Truth and Reconciliation Commission”, in *Truth and Reconciliation: Has the TRC Delivered?*, eds. Chapman, Audrey and Van Der Merwe, Hugo, (Philadelphia: University of Pennsylvania Press, to be published in 2007). Theissen writes: “The Nuremberg Trials and the Allied de-nazification campaign were unpopular during the 1950s, but public opinion shifted in the following decades. The Auschwitz Trial in Frankfurt 1963-65 for example helped to destroy the startling suppression of the holocaust in German public memory after 1945. Today, 50 years after the end of World War II public awareness about the Nazi atrocities has intensified, not decreased.”

⁵⁵ TRC Report, Vol, 1, Ch. 1, in Foreword by Chairperson, 4. The Dickinson poem alluded to is entitled, “Tell all the Truth but tell it slant.”

⁵⁶ Chapman, 290.

Forgiveness and the Process of Reconciliation

There is some empirical support for the assertion that the trajectory of South Africa's reconciliation process is positive. In a 2005/2006 survey conducted by the Institute for Justice and Reconciliation (IJR), the willingness of black South Africans to forgive those under whom they suffered psychological and, in some cases physical trauma, continues in a positive track. Some 72.1% of black South African respondents concurred with the statement that they are "trying" to forgive the human agents and benefactors of apartheid. This is 11% higher than a similar survey four years earlier.⁵⁷ In an earlier survey, in 2000, also conducted by IJR and seen here as Exhibit 1, forgiveness was ranked by South Africans as the most important component in achieving national reconciliation.⁵⁸

Exhibit 1. What is Necessary for Reconciliation?

	All South Africans %	Black %	White %	Coloured %
National reconciliation requires South Africans understand one another better	75	77	63	78
National reconciliation requires material compensation for apartheid victims	60	70	20	48
National reconciliation requires people to forgive one another	78	81	64	83
National reconciliation requires forgetting the past	65	66	64	70
National reconciliation requires the healing of memories	71	73	56	75
National reconciliation requires amnesty as provided by the TRC	62	69	29	54

Source: *Pilot Reconciliation Survey, 2000*. Institute for Justice and Reconciliation, accessed online at <http://www.ijr.org.za/publications/publ/surveys>

The TRC at the Nexus of Forgiveness, Justice, and Reconciliation

This examination of the TRC has revealed that semantics and perspective played an important and underlying role in the conflicting assessments of the TRC. The three key terms – *forgiveness*, *justice*, and *reconciliation* – as well as their inter-relationships are viewed differently not only between secular and religious agents but within each of these two poles as well. As has been suggested, the best metric for reconciliation may

⁵⁷ Sixth Round Report, *The SA Reconciliation Barometer Survey*, Institute for Justice and Reconciliation, November 2006, 48.

⁵⁸ *Pilot Reconciliation Survey 2000*, The Institute for Justice and Reconciliation, 3.

not be in viewing it as something achievable in a utopian and final form but as a process, a movement toward something new and better but which, in the meantime, presents us a formula for living within a world of strife.⁵⁹

While truth-telling was the common skein running through the fabric of the TRC, what makes the South African TRC unique among truth commissions was its partnering of forgiveness with truth-telling. In history, Hannah Arendt sees forgiveness exerting a unique source of power, the kind of power that not only restores but also creates anew. Forgiveness, according to Arendt, is our only release from what has been done in the past.

Forgiving, in other words, is the only reaction which does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven. The freedom contained in Jesus' teachings of forgiveness is the freedom from vengeance, which encloses both doer and sufferer in the relentless automatism of the action process, which by itself need never come to an end.⁶⁰

Christians talk about Jesus "shattering expectations," refusing to comport to what humans expected of a Messiah. Forgiving, as Arendt contends, is also an unexpected, unconditioned act that enables the creation of something new; it breaks the cycle of action and reaction. In coming to grips with the wounds of apartheid in South Africa, it is important that its citizens first be released from the corrosive cycle of violence and vengeance to produce a new creation, perhaps one where Tutu's *ubuntu* vision of mutual recognition and reconciliation is a core principle. The citizens, both the forgiving victims and the repentant perpetrators that appeared in the TRC hearings, shattered the concepts of how people react to oppression and violence.

The TRC, in effect, transformed itself into a model or template for what it thought was required of South Africans in search of reconciliation, both interpersonal and social and political reconciliation. Truth-telling was the platform but the meaning of the victims' narrative was contextualized by forgiveness which, in turn, would motivate the continuing search for justice and reconciliation. It is this understanding of the qualities and role of forgiveness that underpins this thesis that truth commissions in the future should seek a place within its activities for a formulation of forgiveness. At the same time, any formulation of forgiveness should be clear that forgiveness is not a one-time act of absolution but represents a process which aims at a change of heart and change of behavior that we call reconciliation. By embodying forgiveness, South Africa's TRC became both a medium and model for what reconciliation can look like.

In South Africa, the religious framing of the TRC proved that religious voices and values can play a salutary role in practical politics as well as in shaping the debate and future of the nation. That role, however, appears to offer the most value when its ideals and language are viewed as forces that actuate and propel the motivation to change, not incorporated into law or formulated as a final justice. Reconciliation in

⁵⁹ Petersen, 45

⁶⁰ Arendt, 241.

South Africa will be the outcome of a process whose beginning point and medium is forgiveness. Tutu told his nation there was no future without forgiveness. Many South Africans today, both black and white, recognize the power of forgiveness, a power whose role in conflict resolution, Tutu believes, is often underestimated:

We must break the spiral of reprisal and counter-reprisal... I said to them in Kigali “unless you move beyond justice in the form of a tribunal, there is no hope for Rwanda.” Confession, forgiveness, and reconciliation in the lives of nations are not just airy-fairy religious and spiritual things, nebulous and unrealistic. They are the stuff of practical politics.⁶¹

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⁶¹ TRC Report, Vol. 5, 351.

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